

War Against The Panthers: A Study Of Repression In America

HUEY P. NEWTON / Doctoral Dissertation / UC Santa Cruz 1jun1980

WAR AGAINST THE PANTHERS: A STUDY OF REPRESSION IN AMERICA

A Dissertation submitted in partial satisfaction of the
requirements for the degree of:

**DOCTOR OF PHILOSOPHY
in
HISTORY OF CONSCIOUSNESS**

by
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June 1980

PREFACE

There has been an abundance of material to draw upon in researching and writing this dissertation. Indeed, when a friend recently asked me how long I had been working on it, I almost jokingly replied, "Thirteen years—since the Party was founded."¹ Looking back over that period in an effort to capture its meaning, to collapse time around certain significant events and personalities requires an admitted arbitrariness on my part. Many people have given or lost their lives, reputations, and financial security because of their involvement with the Party. I cannot possibly include all of them, so I have chosen a few in an effort to present, in C. Wright Mills' description, "biography as history."²

This dissertation analyzes certain features of the Party and incidents that are significant in its development. Some central events in the growth of the Party, from adoption of an ideology and platform to implementation of community programs, are first described. This is followed by a presentation of the federal government's response to the Party. Much of the information presented herein concentrates on incidents in Oakland, California, and government efforts to discredit or harm me. The assassination of Fred Hampton, an important leader in Chicago, is also described in considerable detail, as are the killings of Alprentice "Bunchy" Carter and John Huggins in Los Angeles. Supporting evidence for a great deal of this dissertation has come from two federal civil rights lawsuits filed by the Party: one initiated in 1976 in Washington, D.C., and still pending

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against the FBI and other federal agency officials,³ and another which ended after a nine-month trial in Chicago, Illinois.⁴

It is logical that Oakland, California, should be the focus of hostile government actions against the Party because it is the place where the Party was founded, and it is the center of its organizational strength. In discussing Party leaders, including myself, and events in which they were involved, there has been a persistent temptation to write personally and emotionally. Individuals, with all their strengths and weaknesses, make significant differences in the outcome of political struggles; however, their roles are too often romanticized, clouding an understanding of the political forces propelling them into struggle. I have tried to maintain an objectivity consistent with scholarly standards by placing the roles of the involved personalities in proper political perspective. To aid in this effort, I will be referred to throughout this study in the third person. This dissertation is then, by necessity, illustrative, not exhaustive; a history in brief, not a biography of the Black Panther Party [BPP].

What is perhaps most significant about [this study] is that it suggests how much we still do not know. How many people's lives were ruined in countless ways by a government intent on destroying them as representatives of an "enemy" political organization? What "tactics" or "dirty tricks" were employed, with what results? Perhaps we shall never know the answers to these questions, but this inquiry about the BPP and the federal government will hopefully help us in our search for "the truth, the whole truth and nothing but the truth."

1 The Black Panther Party is referred to throughout this dissertation as "The Party," "the Panthers," and "the BPP." All [these] terms are used interchangeably and refer to the same organization.

2 C. Wright Mills, *The Sociological Imagination* (New York: Grove Press, 1961), p. 173.

3 On January 25, 1980 the court dismissed our lawsuit because we refused to disclose the names and addresses of BPP members and provide additional information concerning criminal charges ending against certain members. We did provide the government with the names and addresses of all Central Committee members, i.e., the governing body of the Party, who are publicly known. Since the purpose of our lawsuit was to seek redress against unlawful government actions a gains our members, we had an obligation to protect their right of anonymity as an integral part of [a] minority political association that seeks through litigation to halt the government from illegally harassing its

members. This will now be resolved by an appellate court. *The Black Panther Party v. Levi*, No. 76-2205, U.S. Dist. Ct. (D.C.). See also, *San Francisco Chronicle*, 26 January 1980, p. 2, col. 2.

4 Iberia Hampton v. City of Chicago, No. 70-C-1384, U.S. Dist. Ct. (N.D. Ill., 1977). On June 2, 1980, a U.S. Supreme Court ruling cleared the way to reopen this case.

I. INTRODUCTION

From the point of its founding, democratic government in the United States of America has faced the challenging need to overcome certain obstacles inherent in both its organization and general structure before many of its basic assumptions could be actualized.¹ Learned and astute observers of the founding and development of American democracy noted the threatening nature of a number of these obstacles during the early days of the new republic.² The study proposed here finds its importance and justification in the concept that several of the original problems of American democracy have endured with increasing ominous consequences for the full realization of democratic government in the United States. In particular, two of the most crucial problems which have hindered the development of truly democratic government in America are treated here:

1. class and racial cleavages, which have historically been the source of division and bitter antagonism between sectors of American society, and
2. the inherent and longstanding distrust held by the American ruling class of any institutionalized democracy involving the mass population.³

The continuing existence of these two problems—compounded, of course, by companion evils—has from one time to another enlarged and set in motion a debilitating dialectic which has kept full democracy at bay, and the very fabric of American society in rather constant peril. What is hoped for here is an examination of specific responses and events related to the aforementioned major problems that is capable of shedding an enlightening beacon of light on the nature and progression of maladies related to these problems and what is thereby portended for American society in terms of present results and future possibilities. There is, in other words, the intent to forge an analysis capable of informing and instructing those who are devoted to and must continue to grapple with these outstanding problems, problems in need of being resolved if ever democratic government in America is to achieve any degree of substance consistent with its theoretical suppositions and ideals.

The first problem in American democracy set forth here was offered the summary justification by the Founding Fathers that it was a "limited" representative or republican form of democracy that was best suited and most desirable for the new country's governance.⁴ This intent, "limited" though it is, was mocked by the peculiar contradiction

that the populace to be served by the new government included sizeable sectors which were not to be regarded as beneficiaries of even the most "limited" promise of democracy. African Americans, Native Americans, and, to a lesser extent, women were never presumed to be within the pale of either hopes or guarantees related to the practice of democracy. This marked exclusion in the idealism of America's founders might well be regarded as the original wellspring of dissent in America, for what is all too apparent is the fact that democracy is a dynamic and infectious idea. It is an idea which inspires the hope of universal inclusion. Thus, it may subsequently have been predicted that the arbitrary, capricious, and sinister exclusion of large sectors of the American population from the hopes inspired by the rhetoric of a fledgling democracy would give rise to the most determined forms of human struggle imaginable, including those which resort to force of arms, and resolve to face death before capitulation. The deliberately designed and nurtured class and racial cleavages of American society, present from its beginning, have fostered such extreme antagonisms during every period in the development of American society.⁵

This study draws upon a course of events taking place during the latter half of the twentieth century, which exemplifies the ultimate form of struggle born of this contrived contradiction, a contradiction which is as old as the life of the American republic itself. The contradiction which provides much of the source material for this study would doubtless have never existed nor reached such dastardly and volatile proportions if it were not for the societalwide ingestion of a class—and racially-biased social philosophy, which stemmed from the original premise of American social organization, a deeply ingrained belief that society [is] by nature divided into superior and inferior classes and races of people. This vision of the "natural order" of society, rationalized by those who have a vested interest in its maintenance, has kept Americans of different classes and races either directly engaged in social warfare, or forever poised in a position of battle. There has been, in other words, from the very beginning of the American republic as we know it, a systematically cultivated polarization, which has predisposed the population to varying but continuous levels of warfare. This sinister and carefully maintained die of social antagonism has been recast with the changing mold of each different epoch of American society.

Always, the rulers of an order, consistent with their own interests and solely of their own design, have employed what to them seemed to be the most optimal and efficient means of maintaining unquestioned social and economic advantage.⁶ Clear-cut superiority in things social and economic—by whatever means—has been a scruples-free premise of American ruling class authority from the society's inception to the present. The initial socioeconomic advantage, begotten by chattel slavery, was enforced by undaunted violence and the constant threat of more violence. In other times, there has been political repression, peonage (debt slavery), wage slavery, chicanery, and the like, but always accompanied by the actual or threatened force of violence.

The import of the combined forces of industrialization and urbanization [has] been [a] principal contributor in the twentieth century to the need of the American ruling class to develop newer, less obvious, and more effective means of retaining its control of and

domination over the mass of Americans. Direct and unconcealed brute force and violence—although clearly persisting in many quarters of society—are today less acceptable to an increasingly sophisticated public, a public significantly remote from the methods of social and economic control common to early America. This is not a statement, however, that there is such increased civility that Americans can no longer tolerate social control of the country's under classes by force of violence; rather, it is an observation that Americans today appear to be more inclined to issue endorsement to agents and agencies of control which carry out the task, while permitting the benefactors of such control to retain a semidignified, clean-hands image of themselves. This attitude is very largely responsible for the rise of the phenomenon to which systematic attention is given in the study undertaken here: the rise in the 1960s of control tactics heavily reliant upon infiltration, deliberate misinformation, selective harassment, and the use of the legal system to quell broad based dissent and its leadership.⁷

Such tactics are, of course, closely identified with the presidency and administration of Richard M. Nixon, although many of these tactics were used prior to the Nixon years.⁸ However, it was under the leadership of Nixon that Americans in their majority—when they were confronted by widespread protest over both domestic and foreign policies—issued to the government and its agencies what appeared to be blanket approval of the squelching of dissent by means legal or illegal. This led inexorably to a vast and pernicious campaign of no-holds-barred conspiracies and extralegal acts designed by law enforcement agencies to "neutralize", contain, and/or destroy organizations and individuals thought to be "enemies" of the American government (or the status quo), merely because they dared to disagree openly with the existing order and its policies. Such campaigns were tragically successful in too many cases for too many years before Americans began to realize the true extent of the victimization.

It is a fundamental assertion of this study that the majority society, in its fear-provoked zeal to maintain and assure its inequitable position in American society, flirted with and came dangerously close to total abandonment of the particular freedom upon which all others are ultimately dependent, the right to disagree. Moreover, it is an ancillary claim of this study that the danger has not yet passed, for few if any of society's major problems have been solved, and a large number of Americans seem yet inclined to believe that special treatment and different rules can be applied to Americans who dare to disagree without consequence for those who are in agreement with the powers and policies that be. This [belief] is to be specifically denied, and the claim to be made is that repression of selected sectors of mass society is extremely difficult to carry out, if not impossible, without a resulting loss of cherished freedoms for the entire society.⁹ This premise constitutes a seminal focal point and objective of the analysis to be undertaken.

A. The Importance of the Problem

The Black Panther Party (BPP) was formed in this country in 1966 as an organization of Black and poor persons embracing a common ideology, identified by its proponents as "revolutionary intercommunalism."¹⁰ Since its inception, the Party has been subject to a

variety of actions by agencies and officers of the federal government intended to destroy it politically and financially. It is the major contention of this dissertation that this official effort to destroy the BPP was undertaken precisely because of the Party's political ideology, and potential for organizing a sizeable group of the country's population that has been historically denied equal opportunity in employment, education, housing, and other recognized basic needs. A corollary to this theory is that governmental efforts at destruction of the Party, successful in varying degrees, were only thwarted or held in abeyance when they reached their logical consequence: destruction of the right of dissent for all groups, a right indispensable to the functioning of a democratic society.

The method employed to substantiate this theory is an examination of numerous measures undertaken by the government to, in the words of the Federal Bureau of Investigation (FBI), "expose, disrupt, misdirect, discredit or otherwise neutralize" the BPP.¹¹ For the most part, records and documents of relevant government agencies initiating and participating in this campaign of destruction against the BPP provide the evidentiary basis for the dissertation. These records and documents, many revealed herein publicly for the first time, have been discovered in litigation between the BPP and government agencies, as well as through congressional investigations, scholarly studies, and media reports. In addition, firsthand knowledge of the author as a witness or participant to certain events, interviews with persons knowledgeable about relevant matters, and secondary sources of information (e.g., other studies and news reports) are used and identified. Most of the evidence of government efforts to destroy the Party focuses on the FBI because it was the major known offender in terms of intensity and severity of actions, but brief sections on the Internal Revenue Service (IRS) and the Central Intelligence Agency (CIA) are also included.

The result of this study is an analysis of what happened, and still can happen, to a dissident political organization that explicitly challenges the policies and practices of a government intent on controlling the pace and degree of integration for a sizeable group of persons seeking equal socioeconomic participation. Moreover, this study shows the lengths to which, so far at least, a government can go in a constitutional democracy before it must choose between destroying a dissident political organization, or in the process of doing so, the very fabric of constitutional democracy.

It is the conclusion of this dissertation that the federal government was forced to suspend temporarily its most egregious actions directed at destroying the BPP, but that these measures pose an ever-present danger of recurrence to dissident political organizations with perceptions of the government similar to those of the BPP.

B. Methodology

The basic methodological approach to the problem to be examined is one requiring the identification of a number of particular response patterns to particular forms of dissent. The basic materials used are over 8,000 250-page volumes of recently released reports and "intelligence" information. This information was collected by various police and

government agencies and has been used against a number of activists and dissenters who were believed to pose a threat to the existing order. An effort is made to compare empirical evidence accrued from the writer's own participation and observation to the statements and recorded experiences of similarly situated participant-observers.

Objectivity is in every instance strived for, but it is in no instance guaranteed due to the observer's proximity to much of what is found to be characteristic of those patterns most fruitful to observe. A substantial amount of material gathered in personal interviews and taken from sworn depositions and trial statements made under oath is used in the construction of analyses.

As stated above, this study is presented in a historical manner. This style was chosen in order to develop an analysis of repression by the use of chronological fact. In this way, repression cannot be viewed as a new and unsophisticated set of tactics developed for only an isolated group or individual.

It is germane to this study, however, that of the dissident groups which were established in the last twenty years, the Black Panther Party was singled out for concerted, consistent, and violent attack, harassment, and media abuse. In early 1969, then U.S. Attorney General John Mitchell stated that the Justice Department would "wipe out the Black Panther Party by the end of 1969."¹² Edward V. Hanrahan, Cook County's former state attorney in Chicago, when asked about the murder of Fred Hampton, which Hanrahan authorized, stated that it was "justified because of the vicious activities of the Black Panther Party."¹³

These pages do not reflect the personal pain and anguish, the resulting physical and emotional disabilities, as well as the continual financial setbacks the writer has suffered. However, a sensitive person can infer these things from the study. Such an overwhelming number of incidents occurred that it is difficult to imagine that anyone living during this period of history was not affected. The participant-observer has been shot, ambushed, followed, and verbally and physically threatened and abused. His wife and family are under constant surveillance and also have been attacked and threatened. In every apartment or home in which he has lived since 1966, the premises have been burglarized, searched, and bugged (as was his bedroom in an apartment in Oakland, California, in 1974). In addition, mail has been intercepted or received already opened. Far more devastating are the brutal deaths of the writer's personal friends: Bobby Hutton, murdered by the Oakland police in 1968; Alprentice Carter, murdered in Los Angeles in 1969 by men working in association with the FBI; and George Jackson, who was murdered at San Quentin Prison in 1971. The participant-observer has spent a total of three years (1967—1970) in prison, has been arrested numerous times, has spent the last thirteen years in court (an average of two trials per year), and from 1974 to 1977 was in involuntary exile as a protection from physical abuse and death. All of these incidents of the writer's knowledge of repression are intended to substantiate the chronology's factual information from a personal view. The participant-observer, in addition, is the leading and founding member of the organization, said to be "the greatest threat to the internal security of the country."¹⁴ Although it may seem that the writer is somewhat disadvantaged because of

his proximity to the events discussed in this study, it is this very proximity that gives clarity to the specific conflict discussed. Finally, this study attempts to explain why the beliefs of the Black Panther Party and those of the American government and its intelligence agencies have resulted in continuing conflict.

- 1 The most concisely stated and meaningful assumptions of American democracy having a direct bearing on the well-being and future of the American people were manifested in the first ten amendments to the Constitution, upon which the new American government was founded. Consistent with their importance, the new government, it is generally agreed, may have faced ratification problems of indefinite duration without the inclusion of the ten amendments to the Bill of Rights. As it were, their inclusion eased and finally assured the ratification of the new Constitution.
- 2 Alexis De Tocqueville, *Democracy in America*, trans. George Lawrence (New York: Harper & Row, 1966).
- 3 See the debate on this issue at the Constitutional Convention. (Richard Hofstadter, *The American Political Tradition and the Men Who Made It*, New York: Knopf, 1948).
- 4 Ibid. See also "To the Revolutionary People's Constitutional Convention: September 5, 1970," in Huey P. Newton, *To Die for the People* (New York: Random House, 1972), pp. 156—162. [Publisher's note—New York: Writers and Readers, 1995.]
- 5 Hugh Davis Graham and Ted Robert Garr, eds., *The History of Violence in America: Historical and Comparative Perspectives* (New York: Praeger, 1969).
- 6 See e.g., Oliver C Cox, *Caste, Class, and Race: A Study in Social Dynamics* (New York Monthly Review Press, 1959).
- 7 See Robert Woodward and Carl Bernstein, *The Final Days* (New York: Simon & Shuster, 1976) for both a detailed and general account of the use of such tactics against American dissenters. See also U.S. Congress. House. United States Presidents, 1969—1974 (Nixon). Submission of Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President

Richard M. Nixon: April 30, 1974 (Washington, D.C.: Government Printing Office, 1974), 1308.

8 Both John F. Kennedy and Lyndon B. Johnson are known to have made use of unlawful and unfair "tricks" designed to undermine and/or deceive those in opposition to their policies.

9 William Kornhauser, *The Politics of Mass Society* (Glencoe, Illinois: Free Press, 1959).

10 For a fuller explanation of revolutionary intercommunalism, see p. 33—36. See also, Newton, *To Die for the People*, pp. 22—32, and Erik H. Erikson and Huey P. Newton, *In Search of Common Ground* (New York: W.W. Norton, 1973), pp. 23—36.

11 FBI Memorandum from Headquarters to All Special Agents in Charge, August 25, 1967. Hereinafter "Hqtrs" and "SAC" will be used to refer to Headquarters and Special Agents in Charge, respectively.

12 *Newsweek* February 1969.

13 *Time*, December 12, 1969, p. 20.

14 J. Edgar Hoover, quoted in [U.S. Congress. Senate. Book III: Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2nd sess., 1976](#), p. 187.

II. HISTORY OF REPRESSION IN AMERICA

The use by law enforcement agencies of disinformation, under-cover agents, provocateurs, harassment, and informants did not begin with the war against the Black Panther Party. Repression based on race, religion, and radicalism has a long history in the United States, and the tactics and strategies used against the BPP have been employed by the government since the nation's founding. This chapter will briefly outline examples of government repression and disregard for the constitutional rights of dissident groups in America since the turn of the century.

A. The Haymarket Incident

After the Civil War, American workers, led by social revolutionaries, focused their struggle on the eight-hour day. By 1867, six states had adopted the shorter work day and in 1868 Congress passed the first federal law giving the eight-hour day to federal employees. The state laws, however, did not provide for enforcement, and in 1876 the U.S. Supreme Court nullified the federal law.¹

Labor recognized that it would have to win its own battle, and by mid 1886, 250,000 industrial workers were involved in the movement. In Chicago, which had become the center of the labor movement as well as of socialism in the United States, 400,000 workers had struck for the eight-hour day.²

A mass meeting in support of the eight-hour day was held on May 3, 1886; joining in the meeting were workers from the McCormick Harvester Machine Company, who had been on strike since February. While August Spies of the Social Revolutionary Club was speaking to the crowd, strikebreakers began to leave the nearby McCormick plant, and the striking workers began to demonstrate against the scabs. "A special detail of 200 police arrived and, without warning, attacked the strikers with clubs and revolvers, killing at least one striker, wounding five or six others, and injuring an undetermined number."³

A protest meeting was called for May 4 at Haymarket Square. As the final speaker, Samuel Fielden, addressed the small group, police suddenly began to disperse it. A dynamite bomb was thrown. One policeman was instantly killed. Six later died; about seventy were wounded. The police opened fire on the crowd, killing and wounding an unknown number.

A nationwide wave of repression followed the Haymarket incident. Socialists and anarchists were rounded up indiscriminately Raids were staged, homes were broken into and searched without warrants, suspects were beaten, and "witnesses" were bribed and coerced. Thirty-one persons were indicted; eight stood trial: August Spies, Albert Parsons, Samuel Fielden, Michael Schwab, Adolph Fischer, George Engel, Louis Lingg, and Oscar Neebe. Although only two of the defendants, Spies and Fielden, were at Haymarket Square when the bomb exploded (Fielden with his wife and child), and although the state never established any connection of the defendants with the incident, an openly biased, handpicked jury convicted them solely on the basis of their political ideas. Worldwide efforts to free them failed, and on November 11, 1887, Parsons, Spies, Engel, and Fischer were hanged. Lingg had committed suicide. It was not until 1893 that Neebe, who had been sentenced to fifteen years imprisonment, and Fielden and Schwab, who had had their death sentences commuted, were pardoned by Governor John Peter Altgeld.⁴

B. Domestic Intelligence, 1908-1936

In 1908, the attorney general under President Theodore Roosevelt created the Bureau of Investigation within the Justice Department to fill the gap caused by congressional prohibition of using the Secret Service for investigation and intelligence activities.

Although there was no formal Congressional authorization for the bureau, once it was established its appropriations were regularly approved by Congress. It was not until 1916 that an amendment to the appropriations statute came to serve as an indirect congressional authorization for bureau investigations.⁵

During World War I, the bureau, aided by the volunteer American Protective League, began to operate as a secret political police force. With the Justice Department, the Bureau investigated the activities of thousands of German immigrants as well as thousands of Americans accused of draft resistance. The 1918 "slacker raids" in New York and New Jersey involved the "mass round-up of 50,000 persons (without warrants) to discover draft evaders."⁶ The Espionage and Sedition Acts were invoked, resulting in 2,000 prosecutions for "disloyal utterances and activities,"⁷ aimed mainly at socialist and labor groups critical of the government and its policies.⁸ During 1917-1918, bureau agents raided offices of the Socialist Party and the Industrial Workers of the World (IWW—the Wobblies) across the country in a concentrated effort to gather evidence for a mass trial of 166 IWW leaders.⁹

In late 1919, strikes spread throughout America. In Europe there were socialist- and communist-led uprisings. Using these events as justification for increased funding for the bureau, Attorney General A. Mitchell Palmer told Congress, " ... the bureau is confronted with a very large and important task in connection with social and economic unrest . . . and radicalism. . . . " As the Bureau shifted its attention from critics of the war to the activities of political groups, a special division on radical activities was organized.

... Instead of performing their statutory mission of tracking down and apprehending criminals, federal directives were mounting a massive and unfocused intelligence gathering operation involving the whole field of left wing dissent.¹⁰

Information collected by bureau agents was given to the Justice Department's General Intelligence Division (GID), an office established by Palmer after a series of bombings in 1919. J. Edgar Hoover was appointed as head of the new division.

One of the bombings referred to above took place on June 2, 1919 near the White House. Two anarchists were taken into custody without formal charges. One was deported and the other, Andrea Salsedo, was held incommunicado by the bureau. A few days later, Salsedo "fell" to his death from the fourteenth floor of the building where he had been incarcerated. Bartolomeo Vanzetti, a comrade of Salsedo, began an investigation into the death of his friend. Vanzetti, a Boston shoemaker, quickly came under bureau surveillance. On June 4, he and Nicola Sacco, a fish peddler, organized a protest meeting in Brockton, Massachusetts. On June 5, the two men were arrested on capital charges of which they were later convicted. A nationwide legal struggle for their release was waged for seven years without success, and Sacco and Vanzetti were executed in 1926.¹¹

The GID compiled a massive card index containing 450,000 entries on individuals, groups, publications, and, "special circumstances,"¹² and also collected information on

"matters of an international nature" as well as "economic and industrial disturbances". Since the only federal law enforceable in noncriminal cases was the deportation statute, the main target of the bureau's drive was aliens and, without congressional authorization, the Justice Department (through the GID) and the Bureau of Investigation jointly planned and organized a nationwide drive to deport foreign radicals from the U.S.. Among the deportees were Emma Goldman and Alexander Berkman. American citizens, however, were not left out since prosecution might be possible under state or existing federal law or under legislation "which may hereinafter be enacted."¹³

The drive to deport radicals culminated in the Palmer Raids of late 1919 and early 1920. The first of these raids took place on November 7, 1919, when 450 people in eighteen cities were arrested.¹⁴ On the night of January 2, 1920, bureau agents, along with Immigration officials, rounded up some 10,000 persons in thirty-three cities.¹⁵

Following the Palmer Raids, every major American city police department created intelligence divisions. From 1919 until 1925, the Los Angeles Police Department (LAPD) arrested 504 union organizers and political activists on charges of "criminal syndicalism." These arrests resulted in 124 convictions, most of which were obtained through the perjured testimony of police informants. The LAPD "Red Squad" became a model intelligence division whose tactics were used by other police agencies across the country¹⁶

When Warren G. Harding took office in 1921, William J. Burns became director of the bureau. Burns, the former head of the International Detective Agency (IDA), a company specializing in labor spying, aided IDA in its campaign against the IWW, whose destruction was sought by southern California businessmen and southwest copper interests. Four days after taking office, Burns made Hoover assistant director of the bureau. Although the Red Scare had virtually died in the United States, Burns testified before congressional hearings that radicalism was growing in the country. As a result, the bureau's budget rose from \$2 million to \$2.25 million dollars in 1923.¹⁷

Despite the protests of such groups as the American Civil Liberties Union (ACLU), the bureau continued its illegal activities. It increasingly relied on the use of agents and paid informants, especially between 1921 and 1924.¹⁸

On August 2, 1923, President Harding died in office and was succeeded by Calvin Coolidge. And on March 28, 1924, Coolidge named Harlan Fiske Stone to succeed Harry Daugherty as attorney general. In May, Stone asked Burns to resign as bureau director. The new attorney general told the Senate that he opposed the repressive, lawless activities of the bureau under Daugherty's leadership, and that he, Stone, would reorganize the Bureau, abolishing the GID. He pledged that Justice Department agents would limit their investigations to violations of law.¹⁹ On December 10, 1924, Hoover was appointed director, having convinced Stone and the previously critical ACLU that he was an "unwilling" participant in the Palmer raids.²⁰

While the bureau's domestic political intelligence function was greatly curtailed from 1924 to 1936, efforts to gather such information were continued by state, private, and military intelligence agencies. [In addition], the bureau retained the massive files it had accumulated in the period from 1916 to 1924 and readily transmitted data to other agencies to pursue.

In 1936, the Federal Bureau of Investigation (FBI) became by presidential directive "the primary civilian charged with domestic intelligence responsibilities."²¹ Events in Europe provided the rationale for resumption of domestic political investigations when President Franklin Roosevelt asked the FBI to gather intelligence on "subversive" political organizations. There still was no federal law authorizing the kind of probe Roosevelt wanted, but Hoover cited the obscure provision of the 1916 appropriations act to launch a new wave of FBI suppression of radicalism.²²

C. Post-War Domestic Intelligence

In 1938, with World War II under way in Europe, Congress created a Special Committee to Investigate Un-American Activities and Propaganda in the United States. In 1941, the Alien Registration Act (also known as the Smith Act) was passed. This act, which made it a crime to teach or advocate the "duty, desirability, or propriety" of overthrowing the American government by violence, has been described by one of the country's best-known authorities on the law of free speech, Professor Zechariah Chafee, Jr., as the "most drastic restriction on freedom of speech ever enacted in the United States during peace."²³ A closely related act, the Voorhis Act of 1941, required registration of all "subversive organizations having foreign links and advocating the violent overthrow of the government."²⁴ These sanctions inevitably were extended to include supporters and even latent sympathizers, facilitated by the use of wiretapping which had been authorized by presidential directive in 1940.²⁵

Following the end of World War II in 1945, the arrest and deportation of radicals and "undesirable" aliens increased. A major target of repression during the postwar years continued to be the Communist Party; between 1918 and 1956, U.S. Senate investigations of communism were conducted by eighteen standing committees and one select committee, and House investigations by sixteen standing committees. In 1951, the U.S. Supreme Court upheld the conviction of Communist Party leaders under the Smith Act.

"The Crime of the Century," in the words of Director Hoover,²⁶ was the espionage case of Julius and Ethel Rosenberg, who were tried and convicted without any convincing evidence of their guilt. Worldwide demonstrations and appeals failed during this period of "spy" hysteria, and they were executed on June 19, 1953.

On July 24, 1950, a month after the outbreak of the Korean War, President Harry Truman approved an order written by Attorney General J. Howard McGrath, which served as the authority for FBI activities relating to espionage, sabotage, subversive activities, and

"related matters. "²⁷ In the early 1950's, Senator Joseph McCarthy of Wisconsin, as well as then Congressman Richard M. Nixon of California, readily seized the opportunity to promote the Red Scare. McCarthy conducted indiscriminate witch hunts, aided by the FBI, and on the basis of falsified information held press conferences and congressional hearings to expose Communists.

D. The Repression of Black America

African slaves were first brought to America in 1619. These slaves and their descendants vehemently resisted their oppression, and for this resistance, they have suffered beatings, torture, castration, lynching, and other forms of violence.

In 1910, two years after the FBI was founded, Jack Johnson, the first Black heavyweight world boxing champion, became the first Black American to be hounded and harassed by the FBI. The Mann act was passed in 1910 for the alleged purpose of preventing vice; the legislation outlawed the transportation of women across state lines for immoral purposes. The language of the law was deliberately vague and the prosecution of offenders appears to have been loosened or tightened according to their importance. Reportedly, Johnson had induced a former prostitute to give up her profession and enter into a personal relationship with him. Their travels took them across a state border before their marriage, and Johnson was arrested by federal authorities under the terms of the Mann Act and sentenced to prison.²⁸

In the following years, numerous Black political leaders were harassed by the government. Marcus Garvey, who founded the popular Universal Negro Improvement Association in 1919, was convicted of using the mails to defraud. Garvey, who advocated that American Blacks return to Africa, served a federal prison term and died in poverty.²⁹ Dr. W. E. B. DuBois³⁰ and Paul Robeson³¹ were singled out for harassment for their association with the U.S. Communist Party. Harlem Congressman Adam Clayton Powell, chairman of the powerful House Education Committee, was forced out of office because of his outspoken views on the oppression of American Blacks.³² Malcolm X, whose political views changed following his split with the Nation of Islam, [and who] helped to inspire the founding of the Black Panther Party³³ was under constant police surveillance in the last year of his life. The two men convicted of his assassination in February 1965 have demanded a new trial on the grounds that they were framed. The Congressional Black Caucus has called for a congressional investigation into Malcolm's death.³⁴

A main target of the FBI COINTELPRO operation during the late 1950's and early 1960's was the civil rights movement. Among the groups singled out for persecution were the Southern Christian Leadership Conference (SCLC), the Congress of Racial Equality (CORE), the Student Nonviolent Coordinating Committee (SNCC), Deacons for Defense, the Republic of New Africa (RNA), and the Nation of Islam. Targeted individuals included H. "Rap" Brown, Stokely Carmichael, Elijah Muhammed, and Dr. Martin Luther King, Jr.³⁵

From December 1963 until his assassination on April 4, 1968, Dr. King was the subject of an intensive COINTELPRO campaign. In the testimony of William Sullivan, who was in charge of the FBI campaign against Dr. King:

No holds were barred. We have used [similar] techniques against Soviet agents. [The same methods were] brought home against any organization which we targeted. We did not differentiate.³⁶

Using its authority to investigate legitimate noncommunist groups suspected of being infiltrated by communists, the FBI sought to discredit and destroy Dr. King and the entire civil rights movement.³⁷

E. United Farm Workers

The United Farm Workers (UFW), founded and led by Cesar Chavez, has fought for over a decade for decent wages and living conditions for American farm workers. The strong opposition of business interests to the work of the UFW has made the union a constant target of government and intelligence repression. Informants, undercover agents, and provocateurs have continuously infiltrated the UFW in an effort to destroy the union. On several occasions, union headquarters in California have been burglarized and files stolen by FBI and other intelligence agents.³⁸

F. American Indian Movement

American Indians have been murdered, tortured, and isolated by the United States government longer than any other group of people in America. After launching numerous wars against Native Americans and forcing them from their lands in the latter part of the nineteenth century, the government forcibly moved them to reservations operated by the U.S. Bureau of Indian Affairs. In 1970, the American Indian Movement (AIM), a nationwide political organization of Native Americans, was founded by Russell Means and Dennis Banks. Means, Banks, and other Native American leaders and activists have been a prime target of the FBI COINTELPRO campaign, a campaign which has led to numerous false charges, imprisonment, and murder.³⁹

As the preceding pages point out, the war against the Black Panther Party was a logical extension of ongoing police intelligence practices intensified by the explosive situation in American cities during the last sixteen years. Not only are the tactics of infiltration, harassment, and disinformation time-tested, but the tacticians are veterans.

1 Philip S. Foner, ed., *The Autobiographies of the Haymarket Martyrs* (New York: Monad Press, 1977), pp. 1-2.

2 Ibid.

3 Ibid., p. 5.

4 Ibid., p. 10.

III. FORMATION AND PURPOSE OF THE PARTY: WHAT MAKES IT DIFFERENT?

By 1966, the United States had experienced a recent series of disruptions in several of its major urban Black population centers—Harlem, Watts, Chicago and Detroit¹ Numerous organizations and leaders representing groups of Black people—e.g., SCLC (Martin Luther King, Jr.), the Black Muslims (Elijah Muhammed and Malcolm X), CORE (James Farmer), NAACP (Roy Wilkins)—had repeatedly articulated the causes of these riots or urban rebellions: high unemployment, bad housing, police brutality, poor health care, and inferior educational opportunities. Their consensus on the ills that caused or contributed to the violent explosions in inner cities was confirmed by official investigating bodies such as the Kerner and McCone Commissions.² While all groups were generally in agreement on the specific maladies of the society affecting Blacks, they were in disagreement as to the best solution for ending them. The Black nationalists favored separatism; traditional liberals, integration and passage of new legal guarantees; and some of the more activist-oriented demanded "revolution now." Amidst this clamor for social justice, the Black Panther Party was formed in Oakland, California, in 1966.

A. Ideology of Revolutionary Intercommunalism

The Party differed from other organizations representing Black and poor persons in several respects. First, the Panthers embraced from the outset an explicitly socialist ideology, which it soon named "revolutionary intercommunalism." In essence, the Party acknowledged that it was, despite certain differences, basically socialist or Marxist because it followed the dialectical method and sought to integrate theory and practice. As the founder of the Panthers observed:

We are not mechanical Marxists and we are not historical materialists. Some people think they are Marxists when they are actually following the thoughts of Hegel. Some people think they are Marxist-Leninists but they refuse to be creative, and are, therefore, tied to the past. They are tied to a rhetoric that does not apply to the present set of conditions. They are tied to a set of thoughts that approaches dogma...If we are using the method of dialectical materialism we don't expect to find anything the same even one minute later because "one minute later" is history. If things are in a constant state of change, we cannot expect them to be the same. Words used to describe old phenomena may be useless to describe the new. And

if we use the old words to describe new events we run the risk of confusing people and misleading them into thinking that things are static.³

This espousal of revolutionary intercommunalism by the BPP obviously influenced the perception of others about it, especially, as will be shown, the federal government. Of equal importance, however, is the effect this ideology has upon the actions of the Party and the decisions of its leadership. Revolutionary intercommunalism provided an important paradigm for interpreting the world, much as a belief in laissez-faire capitalism affects the actions of corporate decision makers who embrace it. Thus, to the BPP, government opposition to its existence was expected as partial confirmation of its *raison d'etre*. On a more personal level, the BPP leadership felt toward their ideology and its likely opponents that "truth made you a traitor as it often does in a time of scoundrels."⁴

"Revolutionary intercommunalism" not only served to pit the BPP and government law enforcement against each other in ideological struggle, [but also] it gave the Party a perhaps unexpected asset in its struggle for survival. The popular conception of ideology, especially one embracing terminology that seems foreign to traditional democratic politics, is that it is rigid and doctrinaire. Yet to the BPP leadership, its ideology, despite the sound of dogma it may have conveyed to others, served it as a pragmatic methodology for interpreting events. A central tenet of revolutionary intercommunalism, for example, is that "contradiction is the ruling principle of the universe," that everything is in a constant state of transformation. Recognition of these principles gave Party leaders an ability to grow through a self-criticism that many other radical political organizations seemed to lack. Thus, in 1970, Newton could say of the Party:

In 1966 we called our Party a Black Nationalist Party (BNP). We called ourselves Black Nationalists because we thought that nationhood was the answer. Shortly after that we decided that what was really needed was revolutionary nationalism. That is, nationalism plus socialism. After analyzing conditions a little more, we found that it was impractical and even contradictory. Therefore we went to a higher level of consciousness. We saw that in order to be free we had to crush the ruling circle and therefore we had to unite with the peoples of the world. So we called ourselves Internationalists. . . We sought solidarity with what we thought were the nations of the world.

But then what happened? We found that because everything is in a constant state of transformation, because of the development of technology, because of the development of the mass media . . . and because of the fact that the United States is no longer a nation but an empire, nations could not exist, for they did not have the criteria for nationhood. Their self-determination, economic determination, and cultural determination has been

transformed by the imperialists and the ruling circle. They were no longer nations. We found that in order to be Internationalists we had to be also Nationalists, or at least acknowledge nationhood. Internationalism . . . means the interrelationship among a group of nations. But since no nation exists, and since the United States is in fact an empire, it is impossible for us to be Internationalists. These transformations and phenomena require us to call ourselves "intercommunalists" *because nations have been transformed into communities of the world*. The Black Panther Party now disclaims internationalism and supports intercommunalism.⁵

B. Strategy for Building Community Institutions: The Survival Programs

A second distinguishing characteristic of the Party has been its specific strategy to achieve revolutionary intercommunalism: the building of "survival" or community service programs.⁶ The purpose of these programs is to enable people to meet their daily needs by developing positive institutions within their communities and to organize the communities politically around these programs. This, of course, is nothing new when one thinks of certain minority or ethnic communities in the United States, such as the Jews or Chinese. Historically, one way these groups have affected their rise from deprivation is by developing communal associations, ranging from fraternal and religious bodies to political machines. The function of these community associations or institutions has been described by Cloward and Piven as "provid[ing] a base from which covert ethnic solidarity evolves into the political force required to overcome various forms of class inequality. They are therefore an important device by which the legitimate interests of particular groups are put forward to compete with those of other groups."⁷

Unfortunately, as Cloward and Piven concede, "the Black community"—and this was especially true in 1966 when the Party was forming—"lack[ed] an institutional framework in private social welfare [as well as in other institutional areas], and the separatist agencies of other ethnic and religious communities [were] not eager to see this deficiency overcome...."⁸ Hence the BPP emphasized the importance of its survival programs.

1. The Police Patrols

An early survival program focused on the issue of police brutality, which was a major concern, nationally and in Oakland, California. Applying knowledge of California law, Party founders Huey Newton and Bobby Seale organized police patrols to respond to arrests of citizens that were regularly broadcast over the police officers' short-wave radio.

Several Party members equipped with a shortwave radio in a car intercepted the calls, rushed to the scene of the arrest, and, armed with a law book, informed the person being arrested of his constitutional rights. Party members also carried loaded weapons, publicly displayed but not pointed toward anyone, and dressed in leather jackets and berets. The patrol participants were careful to stand no closer than ten feet from the arrest, to stay within the presumption that they were not interfering with the arrest.⁹ These initial contacts between Panther patrols and Oakland police resulted in the arrests of Party members and [in] considerable publicity.¹⁰ Media portrayals of these confrontations gave the impression that the Panthers were primarily an armed insurrectionary group. One of the reasons for this distorted image was astutely noted by Erik Erikson:

You have all seen the now traditional picture of young Huey Newton like a latter day American revolutionary with a gun in his hands, held not threateningly, but safely pointing upward. To a man of my age, it was, not too long ago, almost impossible to imagine black men carrying guns openly—black vigilantes, black nightriders in automobiles, keeping an eye on (of all things) the law. Most readers of the news, of course, did not and do not know that according to California law, every citizen then had the right to carry a gun, one gun for self-defense and joint defense. But those who created that law certainly did not envisage anybody but white men doing so, nor did they envisage anybody but potential lawbreakers as the ones to be patrolled vigilant citizens in an ill-defined and frontier territory.

. . . [What the BPP did] was to show how the black man's territory has never outlived the frontier state and is still the land of undefined laws; and that arbitrary violence in this territory often comes not from roving outlaws but from those charged with the enforcement of the law. Inclined to disregard the rights of black citizens, they break the law under the guise of defending it. [The BPP] made of the police, then, the symbol of uniformed and armed lawlessness. But [it] did so by ingeniously turning the white man's own imagery (especially dear to the American West and the Western) around against the white world itself. And in arming [themselves] and [their] brothers against that world, [the BPP] emphasized a disciplined adherence to existing law. In fact, [the BPP] patrol member traveled equipped not only with a gun but also with a law book. The book and the fire—it cannot escape us—what an elemental pair of symbols this has been in revolts as far removed from each other as that of the Germans in Luther's day and that of the Zionists in our own.¹¹

The image of Blacks armed for self-defense against police brutality catapulted the Party nationally into the public consciousness and gave an erroneous impression that it advocated armed confrontation. Ironically, however, the single event most responsible for projecting this violent image was itself a pristine case of a group legally petitioning the government for redress of grievances.

The BPP learned in April 1967 of the shooting by Richmond, California police of Denzil Dowell, a twenty-two-year-old Black. Official police accounts claim that the youth was running from the police after they had flagged him down in a stolen car. He reportedly jumped one fence, ran across an automobile junkyard, and was about to jump another fence when an officer shot him. No one claimed that Denzil Dowell was armed. Since he was shot while in the commission of a felony, the police claimed that it was justifiable homicide. But the police account suffered from factual inconsistencies. The victim suffered a hip injury, which made him an unlikely fence-jumper. Moreover, no oil or debris was found on his shoes or clothes, which, had he really run through the automobile junkyard near where he was found, would almost certainly have been present. Finally, several people had witnessed previous threats made by the police to Denzil Dowell, who was apparently viewed by some Richmond law enforcement personnel as a troublemaker.

When BPP members went with Denzil Dowell's family to the sheriff of Contra Costa County to complain about the shooting, they were advised to go to the state capitol in Sacramento and get the law changed that permitted officers to shoot at suspects fleeing the scene of a felony. Party leaders saw this buck-passing as further confirmation of their belief that armed citizen patrols of the police and the arming of the citizenry as guaranteed by the Constitution were the most effective deterrents to excessive use of police force.¹²

Soon after the shooting of Denzil Dowell, an East Bay legislator, Don Mulford, gave the BPP another reason to carry their grievances to the state capitol. Mulford introduced a bill to repeal the law that permitted citizens to carry loaded weapons in public places so long as the weapons were openly displayed.¹³ Obviously, the law Mulford sought to repeal was integral to the BPP's police patrols, which was why it was tagged the "Panther Bill" in numerous media reports. Passage of Mulford's bill, which the Panthers viewed as almost certain, would make it a crime for a citizen, not otherwise licensed, to carry a loaded weapon in a public place, whether openly displayed or concealed. In response to the introduction of this legislation, the BPP sent a delegation to the capitol to protest this attempted disarming of the citizenry. The delegation carried loaded rifles and shotguns, which they publicly displayed. They entered the state capitol, a public place, to make their protest by delivering Executive Mandate No. 1.¹⁴

The legislature responded to this protest by promptly passing the law, which was signed by Governor Ronald Reagan. But the gathering of armed Black men on the capitol steps was photographed and published in newspapers and on television throughout the nation. These photographic representations served as a stimulus for Party popularity and growth among young Blacks, hostility by the government, and fear by much of the white citizenry recently racked by a series of Black urban riots.

What never became clear to the public, largely because it was always deemphasized in the media,¹⁵ was that the armed self-defense program of the Party was just one form of what Party leaders viewed as self-defense against oppression. The Party had always urged self-defense against poor medical care, unemployment, slum housing, underrepresentation in the political process, and other social ills that poor and oppressed people suffer.¹⁶ The Panther means for implementing its concept of self-defense was its various survival programs, symbolized best by the police patrols and the free breakfast program for school children. In addition to these programs, however, the Party early initiated health clinics providing free medical and dental service, a busing program to take relatives of prisoners on visiting days, and an escort and transportation service for residents of senior citizen housing projects, as well as a clothing and shoe program to provide for more of the needs of the local community. It was these broad-based programs, including the free food programs where thousands of bags of groceries were given away to the poor citizens of the community, that gave the Party great appeal to poor and Black people throughout the country.¹⁷ For one of the first times since the organized slave rebellions before the Civil War, Blacks were responding to an organization that tried to build community institutions and did so under the banner of a political ideology that directly challenged democratic capitalism.

2. Use of Democratic Reforms by the Party to Build Community Institutions

The Panthers, despite their explicit repudiation of democratic capitalism as a system that was inherently incapable of permitting Black and poor people from enjoying full and equal participation in it, did not eschew democratic means of reform, nor did they discourage Black capitalism. To the contrary, from its very inception, the Party utilized existing legal machinery in order to bring about social change and encouraged indigenous Black financial enterprises. In addition to the legal police patrols already mentioned, the Party frequently filed civil law suits seeking relief for its members, "and Black and poor people generally, from various injustices."¹⁸ The Panthers also turned to the ballot box, first by running members for mayor and city council in Oakland in 1972 and 1974, and coming surprisingly close to victory. In 1976, Party involvement was admittedly credited by two successful Black candidates for their elections, to the offices of Mayor of Oakland and Supervisor of Alameda County, the first two Black persons to be elected to these positions in Oakland's history, despite a sizeable Black population that had resided there since World War II.¹⁹ Moreover, the Party incorporated some of its main survival programs such as its Intercommunal Youth Institute and Seniors Against a Fearful Environment (SAFE). The Youth Institute, a school for more than one hundred Party and other children from the first through the eighth grades, was incorporated as the Educational Opportunities Corporation.²⁰ SAFE was an escort and busing program in which young Blacks took seniors out into the community—a combination of Black and gray power that to some extent provides both groups what they need and desire—people power.²¹ The device of incorporation allowed both survival programs to avail themselves of tax-deductible contributions and some limited government benefits.

The Party also advocated growth of indigenous community businesses, even though they were capitalistic. This is because the Party recognized that Black capitalism has come to mean to many people Black control of another one of the institutions in the community. This positive quality of Black capitalism should, the Party felt, be encouraged.

Since the people see Black capitalism in the community as Black control of local institutions, this is a positive characteristic because the people can bring more direction and focus to the activities of the capitalist. At the same time, the Black capitalist who has the interest of the community at heart will respond to the needs of the people because this is where his true strength lies. So far as capital [in] general is concerned, the black capitalist merely has the status of a victim because the big capitalists have the skills, make the loans, and in fact control the Black capitalist. If he wants to succeed in his enterprise, the Black capitalist must turn to the community because he depends on them to make his profits. He needs this strong community support because he cannot become independent of the control of the corporate capitalists who control the large monopolies.

The Black capitalist will be able to support the people by contributing to the survival programs of the Black Panther Party. In contributing to such programs he will be able to help build the vehicle which will eventually liberate the Black community. He will not be able to deliver the people from their problems, but he will be able to help build the strong political machine which will serve as a revolutionary vanguard and guide the people in their move toward freedom.²²

A practical application of the Party's view toward Black capitalism and the use of legal means of reform occurred in Oakland, California, in 1971. A group of small Black-owned retail liquor stores and taverns asked the BPP for support in a boycott against Mayfair Supermarkets because Mayfair purchased alcoholic beverages from companies that excluded Black truck drivers. The BPP joined in the boycott, and within a period of days, Mayfair ended its discriminatory practices. The Party then asked the group of Black businessmen who had solicited Party help to make a nominal continuing contribution to one or more survival programs. The businessmen, who had approached the Party initially through an organization called the California State Package Store and Tavern Owners Association (Cal-Pak), declined to contribute except via a single gift. The Party rejected Cal-Pak's offer, stating,

. . . a continuing trickle of support is more important to the community than a large, once-only hush mouth gift. We will not be paid off; we will not be quiet. We will not go away. . . Why should the Black community nourish a Black profiteer who has no concern for his brother?²³

It was considered important to the Party's concept of building community institutions that contributions from the Black businesses not only be continuing, but that they come from the association representing them. This would, in the Party's view, constitute participation through a united front and build Cal-Pak as a community institution along with the survival programs. Since the Party had been asked for assistance in the Mayfair boycott

by representatives of Cal-Pak, it also followed logically that Cal-Pak should support the survival programs. When Cal-Pak refused, the Party called for a boycott of the liquor stores of the president of Cal-Pak, Bill Boyette, and picketed the two liquor stores he owned. Five months later, Cal-Pak and the Party reached an agreement. Congressman Ronald Dellums, who helped negotiate the settlement, announced at a press conference in January 1972 that:

. . . an agreement has been reached of great importance to all of the people in the Bay Area and, in particular, the Black population of this area. This agreement, between the Black Panther Party and the Ad Hoc Committee for Promotion of Black Business, officially ends the boycott of Boyette's Liquor Stores by the Black Panther Party. . . The United Fund of the Bay Area, Inc., sponsored and created by the Ad Hoc Committee for the Promotion of Black Business and the Cal-Pak Liquor Dealers, has already begun the task of collecting funds from Black businesses and individuals for programs of special need in the Black community. Operating as a nonprofit social vehicle for the Black community, this new organization will make disbursements to various significant organizations in the Black community on a regular and continuing basis. Among the programs that will benefit are the survival programs of the Black Panther Party.²⁴

This willingness by the Party to use democratic means of reform and to support Black capitalism was criticized by some as inconsistent with the Panther ideology of revolutionary intercommunalism. This is partly because progressive people quite correctly observe that "It is very clear, upon reflection, what function law serves within any culture. It protects the culture's ideology. Under capitalism it protects property, the men who own it and guard it."²⁵ From this observation, it is only a brief inferential step to the conclusion that, because law is a product and perpetuator of corporate interests in this country, it cannot be a force for significant socioeconomic change. But while this conclusion is logical in a mechanistic-sense, it is illogical, and therefore wrong, in a dialectical sense:

According to the materialist conception of history, the *ultimately* determining element in history is the production and reproduction of real life... [I]f somebody twists this into saying that the economic element is the *only* determining one, he transforms that proposition into a meaningless, abstract, senseless phrase. The economic situation is basis, but the various elements of the super-structure: political forms of the class struggle . . . constitutions established by the victorious class . . . judicial forms, had even the reflexes of all these actual struggles in the brains of the participants . . . also exercise their influence upon the course of the historical struggles and in many cases preponderate in determining their form.²⁶

In sum, the Panthers combined a unique blend of elements that set them apart from traditional civil rights and minority organizations: a revolutionary ideology that argued for the necessity of fundamental socioeconomic change, a practical series of survival programs that served the community and fostered institutional growth and consciousness, and a willingness to employ creative legal means within the democratic system to achieve their ends. It was these unique elements that made the Panthers popular with many Blacks and, at the same time, a nemesis to the federal government.

1 See, e.g., James Reston, "The Shame of the Cities," *New York Times*, 24 July 1966, p. 10E, col. 5.

2 For example, Report of the National Advisory Commission on Civil Disorders, 1968; California Governor's Commission on the

Los Angeles Riots, "Violence in the City—End or Beginning," 1965.

3 Huey P. Newton, *To Die for the People* (New York: Random House, 1972), pp. 25-26; see also Appendix C. [Publisher's note—New York: Writers and Readers, 1995.]

4 Lillian Hellman, *Scoundrel Time* (New York: Bantam Press, 1977), p. 82.

5 Newton, *To Die for the People*, pp. 31-32.

6 At a seminar at Yale University in 1971, Newton was asked by a student, "What [do] you do to relate to People on the human level, how [do] you set yourselves up as examples as the kind of thing you are talking about. I mean, what do you actually do?" He answered that the Party has "a series of survival programs—survival until the people become more self-conscious and mature. . . These programs are open to everyone in the community. We have health clinics; we have a busing program for parents and relatives and friends of prisoners who would not be able to visit the prison. . . because they do not have the money. . . Now these are reformist kinds of programs, but they have been integrated into the rest of our revolutionary program. . . We know they won't solve the problem. But because we are interested in the People, we serve the People." (Erik H. Erikson and Huey P. Newton, *In Search of Common Ground* [New York: W. W. Norton & Co., 1973], pp. 87-

88.) The Party's platform and program, originally adopted in 1966, and amended in 1976, are reprinted in Appendices A and B.

7 Richard A. Cloward and Frances Fox Piven, *The Politics of Turmoil* (New York: Pantheon Books, 1974), p. 195.

8 Ibid.

9 Huey P. Newton, *Revolutionary Suicide* (New York: Harcourt Brace Jovanovich, 1973), pp. 120-121.[Publisher's note—New York: Writers and Readers, 1995.]

10 Ibid.

11 Erickson and Newton, *In Search of Common Ground*, pp. 45-46.

12 A detailed account of this incident is found in the chapter entitled "Denzil Dowell," in Newton, *Revolutionary Suicide*, pp. 137-144.

13 California Penal Code, Sections 12031 and 171.c.

14 The full text of Executive Mandate No. is found in Newton, *To Die for the People*, pp. 7-8.

15 To be sure, the media was often assisted in emphasizing the violent image of the Party by the FBI and other federal agencies. See Chapter IV.

16 Affidavit of Huey P. Newton, filed in *Black Panther Party v. Donald C Alexander*, Commissioner of the Internal Revenue Service, No. C-74-1247, U.S. Fed. Ct. (N.D. Cal. 1974)

17 Newton, *Revolutionary Suicide*, pp. 163-170.

18 For example, *Black Panther Party v. Kehoe*, 42 C.A.3d 645, 117 Cal. Rept. 6 (1974) (public records act suit to compel state agency to make "public" complaints it receives from consumers concerning abusive collection agency practices); *Black Panther Party v. Granny Goose*, No. 429566, Alameda I Superior Ct. (1972) (suit against ten major employers in Oakland, California to compel them to comply with California's "pay while voting" statute, which requires employers to post notices before certain elections

informing their employees that they are entitled to up to two hours off work with pay in order to vote).

19 A confidential IRS memorandum candidly noted that, "as early as 1968 the Black Panther Party supported and ran candidates. . . . In 1972 the political machinery of the BPP proved its effectiveness with a massive registration drive. This campaign was conducted through the BPP newspaper. . . . Success was achieved when six of the nine candidates running on the BPP slate were elected to the board of directors of Model Cities in Oakland. Four other Panther members were also elected to [the] antipoverty council in Berkeley. Two BPP officers, Bobbie [sic] Seale and Elaine Brown, ran for the positions of Mayor and Councilwoman of Oakland, respectively.

Although they were defeated, the BPP had attained enough votes to demonstrate that they could be a viable force."
(Memorandum from IRS Revenue Agent Chinn to Group Manager and District Director of San Francisco District, No. FA-1464, December 1, 1975.)

20 The IRS noted that "although some of the [BPP] programs have been terminated . . . or cut back due to lack of funds, a major step has been achieved through the construction of the Community Learning Center building [i.e., EOC]. Most of the Panther activities are now concentrated at the Center." (Ibid., Appendix, p. iv.)

21 Hager, "Panthers, New Image—Joining the System," *Los Angeles Times*, 5 December 1972, p. 1, col. 1.

22 Newton, *To Die for the People*, p. 106.

23 Ibid., p. 111.

24 Ronald Dellums, quoted in Newton, *To Die for the People*, p. 109.

25 George Jackson, "From Dachau, Soledad Prison, California," in Robert Lefcourt, ed., *Law Against the People* (New York: Vintage Books, 1971), p. 227.

26 Friedrich Engels, Letter to J. Bloch, quoted in William Franklin Ash, *Marxism and Moral Concepts* (New York: Monthly Review Press, 1964), p. 124. A more contemporary

revolutionary has affirmed this same principle: "Some people think . . . that in the contradiction between the productive forces and the relations of production, the productive forces are the principal aspect; . . . and in the contradiction between the economic foundation and its super-structure, the economic foundation is the principal aspect; and there is no change in their respective positions. This is the view of mechanistic materialism, and not of dialectical materialism. True, the productive forces . . . and the economic foundation generally *manifest* themselves in the principal and decisive role; whoever denies this is not a materialist. But under certain conditions, such aspects as relations of production theory and the superstructure in turn must manifest themselves in the principal and decisive role, this must also be admitted..." (Mao Tse-tung, "On Contradiction," quoted in Ash, *Marxism and Moral Concepts*, p. 124.)

IV. RESPONSE OF THE GOVERNMENT TO THE BLACK PANTHER PARTY

A. The Administration's Propaganda War Against the Panthers:

Making the Political Criminal

Upon Richard M. Nixon's election as president in 1968, the administration addressed itself, in the words of former White House Counsel John Dean, to the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly—how we can use the available federal machinery to screw our political enemies.¹

A "White House Enemies List" was drawn up by officials of the Nixon administration. In its original form, this list contained the names of only a few minority political parties or organizations, among them the Panthers, whom the administration linked with "Hughie [sic] Newton," and "George Wallace" of the American Independent Party.² Interestingly, though their expressed ideologies were quite opposite, both organizations shared the common feature of having strong grassroots support and active involvement by [their] members, in contrast to the established Democratic and Republican parties.³ The Enemies List was then incorporated into a detailed plan, commonly known as the Huston Plan, after its White House designated coordinator, Tom Charles Huston.⁴ This plan was approved in 1970 by the former director of the FBI, J. Edgar Hoover, in cooperation with the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), and the National Security Agency (NSA).⁵ It advocated blanket presidential authorization for

such practices as wiretapping, mail covers, and black-bag jobs or break-ins. Its main purported function was to improve interagency cooperation among the major intelligence agencies.⁶ Although this proposed plan was first approved, but allegedly later disapproved by President Nixon because J. Edgar Hoover decided not to continue to cooperate,' the tactics advocated had already been employed by various federal agencies, particularly the FBI, against the Panthers.

Just why the FBI and other federal law enforcement agencies focused early on the Party as an "enemy" organization is not difficult to understand. At the start of World War II, President Roosevelt directed the bureau to refocus its resources on priorities it had purportedly given up in 1924—the investigation of political organizations and affiliations.⁸ Distinctions between foreign espionage and domestic dissident groups became blurred during the height of the war; in fact, "vigilance and caution grew into xenophobia and distrust of anyone who veered noticeably from the political mainstream."⁹

The Cold War followed, with President Truman's establishment of the Federal Employee Loyalty Program.¹⁰ The bureau, having built up a large contingent of agents to guard the nation's internal security, channeled them into loyalty/security investigations. Thus, the FBI took on officially "the role of a kind of ideological security police, an arbiter of what was inside the boundaries of legitimate political discourse and what [was] outside."¹¹ In the absence of any effective challenge to this role, the bureau continued, essentially unabated.

Not surprisingly, when the Panthers became publicly visible in 1967 and 1968, the FBI felt justified, if not compelled, to devote their full panoply of resources to investigating the organization. In part, this was in response to the BPP's ideology. As the chief of the FBI's counterintelligence program admitted in describing the genesis of the program within the bureau that concentrated on the Panthers:

We were trying first to develop intelligence so we would know what they were doing [and] second, to contain the threat To stop the spread of communism, to stop the effectiveness of the Communist Party as a vehicle of Soviet intelligence, propaganda and agitation.¹²

A more flamboyant assessment was provided by Edward Miller, former assistant director of the FBI in charge of the Intelligence Division, upon his retirement in 1974:

Rome lasted for six hundred years, and we are just coming on to our two-hundredth. That doesn't mean that we have four hundred to go. We have to step back and look at ourselves protectively. . . . How much of this dissent and revolution talk can we really stand in a healthy country? Revolutions always start in a small way. . . . Economic conditions are bad; the credibility of government is low. These are the things that the home-grown revolutionary is monitoring very closely. The FBI's attention must be focused on these various situations. If it weren't, the Bureau wouldn't be

doing its job for the American people.... The American people don't want to have to fool around with this kind of thing and worry about it; they don't want to have to worry about the security of their country. . . . We must be able to find out what stage the revolution is in.¹³

The FBI was also aware of and disturbed by the Panther's efforts to build community institutions. Indeed, the one survival program that seemed most laudatory—that of providing free breakfasts to children—was pinpointed by J. Edgar Hoover as the "real longrange threat to American society."¹⁴ The ostensible reason for this was that children participating in the program were being propagandized, which simply meant they were taught ideas, or an ideology, that] the FBI and Hoover disliked. Yet Hoover was not so naive as to believe an overt ideological war was any longer sufficient to garner the support or noninterference necessary for the bureau to destroy the Panthers. A better rationale or cover for the public would have to be employed. This new cover for secret police operations was, as the Huston Plan suggested, a crusade against criminals and terrorists. Now, the administration would fight "crime," not ideologies.

This technique for destroying controversial political organizations is, of course, not new:

History should teach us . . . that in times of high emotional excitement, minority parties and groups which advocate extremely unpopular social or governmental innovations will always be typed as criminal gangs and attempts will always be made to drive them out.¹⁵

Internal FBI and other police agency documents make clear this objective of pinning the label "criminal" on the BPP and its leaders, and trying to link criminal activity to the Party's efforts at getting support for various survival programs. A 1974 memorandum to the director of the FBI from the special agent in charge of the San Francisco office stated that the local FBI office

has continued to follow Newton's and his associates' activities. ". . . Primarily, the . . . office has been pursuing Hobbs Act and/or ITAR-Extortion cases on Newton and/or his associates. Although investigations to date, including contacts with other law enforcement agencies," . . . *has failed to develop information indicating that Newton and his associates are extorting funds from businesses. . . . This office is of the opinion that Newton is or has been extorting funds from legitimate businesses. . . .*

In addition to the contacts noted above [i.e., the Alcohol, Tobacco, Tax and Firearms Section of the Department of Justice in Oakland, California, the Oakland Police Department, the Berkeley Police Department and various informants], *the San Francisco Office is selectively*

contacting pimps and narcotics pushers in the Oakland area in an attempt to develop further intelligence and positive information concerning possible Federal violations on the part of Newton and his associates.

*This matter will continue to receive vigorous investigative attention.*¹⁶

Interestingly, the bureau and others seem to feel that any contribution from a business, whether considered legitimate or not, to the BPP survival programs could not be voluntary; it would have to come from extortion. Despite a failure to obtain any evidence of extortion, the bureau continued to hold the opinion that it took place and to try to develop information for a Hobbs' Act prosecution. In 1973, for instance, the assistant attorney general who figured prominently in the Watergate investigations, Henry E. Peterson, wrote the acting director of the FBI regarding Newton and the BPP:

During the course of filming a movie in Oakland, California, Harvey Bernhard [a film director], was contacted by Huey Newton and Bobby Seale who threatened to picket the filming site unless a \$5,000 contribution was made to the Black Panther Party. We note that Bernhard now states that while he gave \$5,000 to Newton, he does not feel that he was extorted in any way and that he did not wish to testify.

In light of this, and considering that Max Julian [an actor in the film], who was present when Bernhard met Newton, cannot recall any discussion of money or picketing, there is insufficient evidence to warrant prosecution and further investigation is not warranted.¹⁷

Extortion was not, of course, the only crime federal law enforcement agencies tried to pin on the BPP. In his book *Agency of Fear*, Epstein described how high-level intelligence officers in the Nixon administration used a narcotics cover to expand domestic counterintelligence operations:

Under the aegis of a "war on heroin," a series of new offices were set up, by executive order, such as the Office of National Narcotics Intelligence, which, it was hoped, would provide the president with investigative agencies having the potential to assume the functions of "the Plumbers" on a far grander scale. According to the White House scenario, these new investigative functions would be legitimized by the need to eradicate the evil of drug addiction.¹⁸

The Nixon administration's exploitation of the narcotics menace to justify expansion of federal investigative agencies achieved extraordinary success:

Between 1968 and 1974, the federal budget for enforcing narcotics laws rose from \$3 million to more than \$224 million—a seventyfold increase. And this in turn gave the president an opportunity to create a series of highly unorthodox federal agencies.¹⁹

The utility of a narcotics cover appears in numerous internal law enforcement documents concerning the BPP. Various agencies claim within their reports, in fact, to be investigating narcotics use by Panther leaders, especially Huey Newton. When, for example, Newton and some close friends took a one-week Caribbean cruise for a vacation, the FBI sent at least one clandestine agent, who submitted the following report:

[An unidentified informant] stated that his company has recently experienced a heavy increase in bookings aboard the "Starward" [the cruise ship taken] by Blacks, and he suspicions [sic] that this increase is due in part to the availability of narcotics at Port Prince [sic] and Port Antonio. He stated that his suspicions have been buttressed by the recent confiscation of several pieces of luggage filled with narcotics from a "Starward" passenger.

Inasmuch as reliable sources have identified Newton as a user of cocaine and he is possibly the user of other narcotics, will alert customs personnel to be on the lookout for narcotics in the possession of Newton and any of his party upon their return to Miami.²⁰

Not content merely to alert Customs, the FBI noted that "the information has been disseminated to State Department and CIA. Copies of attached being furnished to the Department (Internal Security and General Crimes Section) and Secret Service."²¹

Indeed, in April 1973, the FBI requested that "all San Francisco agents be aware of either the purchase or use of cocaine by Huey Newton. Any information obtained in this regard should be immediately furnished to both the OPD [Oakland Police Department] and the appropriate Federal Narcotics agency."²² Six months later, the bureau seemed less interested in Newton's possible use of cocaine than they were about narcotics dealers he might have been hitting-up for contributions to community survival programs.

Source reports from contacts with various and unidentified Negro dope dealers that the big time dope dealers in the Berkeley and Oakland area are out to get Huey Newton. Source reports that Huey is apparently ripping off certain dealers, pimps and whores for large amounts of money and the talk is that "they" are going to get Huey. Source was instructed to determine some hard facts concerning these rumors and to report same immediately.²³

B. The Superagency Approach to Crushing Dissent

By 1973, this process of employing the narcotics and crime covers reached its climax with the creation of a new intelligence super-agency, the Drug Enforcement Agency. At the time of its formation, the DEA employed more than 4,000 agents and analysts—including some fifty-three former (or detached) CIA agents and a dozen counterintelligence experts from the military or other intelligence agencies. The DEA had the authority "to request wiretaps and no-knock warrants, and to submit targets to the Internal Revenue Service."²⁴ With its contingent of former CIA and counterintelligence agents, it had the talent to enter residences surreptitiously, distribute "black" (or misleading) information, plant phony evidence, and conduct even more extreme clandestine assignments.

The origin of DEA and its intended purpose are explained by Epstein as follows:

According to [those] familiar with the plan, [G. Gordon] Liddy proposed . . . to detach agents and specialists who could be relied upon by the White House from the BNDD [Bureau of Narcotics and Dangerous Drugs], the IRS, the Alcohol, Tobacco and Firearms division, and the Bureau of Customs. This new office would operate directly out of the executive office of the president. The beauty of the Liddy plan was its simplicity: it did not even need approval from Congress. The president could create such an office by executive decree, and order all other agencies of the government to cooperate by supplying liaisons and agents. Congress would not even have to appropriate funds, according to those familiar with the Liddy plan: The Law Enforcement Assistance Administration (LEAA), which was located in John Mitchell's Department of Justice, could funnel monies via local police departments to finance these new strike forces. The new office would have . . . wiretappers from the BNDD; Customs agents, with their unique "search authority"; IRS agents who could feed the names of suspects into the IRS's target-selection committee for a grueling audit; and CIA agents for "the more extraordinary missions." In addition, since it would control grants from LEAA, this new office could mobilize support from state and local police forces in areas in which it desired to operate.

The most important feature of the Liddy plan, however, was that the White House agents would act under the cloak of combating the drug menace. Since public fears were being excited about this deadly threat to the children of American citizens and their property, few would oppose

vigorous measures even if its agents were occasionally caught in such excesses as placing an unauthorized wire-tap. On the contrary, if the dread of drugs could be maintained, the public, Congress, and the press would probably applaud such determined actions. Krogh and the White House strategists immediately saw the advantages to having the new office operate its agents under the emblem of a heroin crusade ... and Liddy's option paper, much modified in form to remove any embarrassing illegalities, was sent to the president with the recommendations of Krogh and Ehrlichman.

Finally, in December 1971, the president ordered Ehrlichman and Krogh to create the permanent White House-controlled investigative unit envisioned in the option paper drawn up by Liddy. The new unit was to be known as the Office of Drug Abuse Law Enforcement.²⁵

On January 28, 1972, the Office of Drug Abuse Law Enforcement (ODALE), the permanent investigative force which ostensibly would operate against narcotics traffickers, was officially created by an executive order of the President:

Since there was virtually no precedent for an agency like the Office of Drug Abuse and Law Enforcement, [ODALE director Myles J.] Ambrose had to proceed step by step, in assembling his strike forces. The first step was to appoint regional directors who would superintend and select the federal agents and local police on each strike force in each of the thirty-three target cities he selected. . . . Fifty other lawyers, many of whom Ambrose knew personally, were deployed in instantly created field offices of the new organization. Four hundred investigators were requisitioned from the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, and Ambrose requested more than a hundred liaisons from the Internal Revenue Service, as well as specialists from other agencies of the government. This was all accomplished during the first thirty days of existence of this new office, in what Ambrose himself referred to as a "monumental feat or organization."

. . . The new strike forces had little resemblance to more conventional law-enforcement forces. These highly unorthodox units, which were being controlled from the White House through the president's special consultant Myles Ambrose, included not only trained narcotics and customs officers but also Immigration and Naturalization

Service officers; Alcohol, Tobacco and Firearms control agents; probation officers; state troopers; and local police officers. . . . With the authority of court-authorized no-knock warrants and wiretaps they could strike at will in any of the target cities and against virtually anyone selected as a target. By March 1972, the strike forces had become operational.²⁶

There was some resistance to Law Enforcement Assistance Administration officials to using LEAA money to finance ODALE operations. They argued that Congress never intended for LEAA grants to be used to bypass the appropriations process:

So with White House assistance, the new office established a series of local organizations, with such names as "Research Associates," through which grants could be made by LEAA. The money was then channeled back to selected strike forces, with these organizations acting, in effect, as money conduits.²⁷

The California conduit for these laundered funds was the Organized Crime and Criminal Intelligence Branch (OCCIB) of the State Department of Justice, which had already been set up in 1970 by California Attorney General Evelle Younger. A report circulated by the OCCIB in 1972 identified among its prime targets the Black Panther Party.²⁸

The creation of a new superagency to direct the counterintelligence activities against the BPP and other dissident groups was an indication of how badly the federal government wanted to destroy the Panthers. The successful extent of coordination between law enforcement agencies intent on getting the BPP is not yet clear, largely because documents showing this direction have yet to be discovered. Still, the general method of operation described by Epstein appears to have been employed against the Party, at least if one focuses on just three agencies for which some documented information is available: the FBI, IRS, and CIA.

C. FBI Declares War on Panthers: COINTELPRO

Within one year of the formation of the Party, the FBI formed a special counterintelligence program dubbed COINTELPRO.²⁹ The purpose of this program was, in the FBI's own words, to "expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of the Black nationalists."³⁰ A specific purpose of COINTELPRO was to prevent the rise of a "Messiah," a charismatic Black leader who might "unify and electrify" Black people.³¹ Martin Luther King, Jr., was named as a potential Messiah in the FBI's own secret memorandum establishing COINTELPRO, but after the assassination of King in 1968, the FBI shifted its focus to the Party and its leadership, particularly Huey P. Newton.

J. Edgar Hoover, then director of the FBI, publicly stated that the Party constituted "the greatest threat to the internal security of the country . . ." of any organization.³² Of the 295 documented actions taken by COINTELPRO alone to disrupt Black groups, 233—or 79 percent—were specifically directed toward destruction of the Party.³³ Over \$100 million of taxpayers' money was expended for COINTELPRO; over \$7 million of it allocated for 1976 alone to pay off informants and provocateurs, twice the amount allocated in the same period by the FBI to pay organized crime informants.³⁴

Indeed, while COINTELPRO ostensibly targeted five domestic organizations—which the Bureau dubbed, the Communist Party, the Socialist Workers' Party, White Hate Groups, Black Nationalist Hate Groups (e.g., the Panthers), and the New Left—it was Blacks, and the Panthers in particular, who received the brunt of the damage. As the Senate Select Committee To Study Governmental Operations found,

The White Hate COINTELPRO also used comparatively few techniques which carried a risk of serious physical, emotional, or economic damage to the targets, while the Black Nationalist COINTELPRO used such techniques extensively.³⁵

The vast arsenal of techniques employed by the bureau against the BPP were tried and tested over the years in foreign espionage. As William C. Sullivan, former assistant to the director, stated:

This is a rough, tough, dirty business, and dangerous. It was dangerous at times. No holds were barred. . . . We have used [these techniques] against Soviet agents. They have used [them] against us. . . . [The same methods were] brought home against any organization against which we were targeted. We did not differentiate. This is a rough, tough business.³⁶

Specifically, the FBI engaged in or encouraged a variety of actions intended to cause (and in fact causing) deaths of BPP members, loss of membership and community support, draining of revenues from the Party, false arrests of members and supporters, and defamatory discrediting of constructive Party programs and leaders. What follows is an illustrative highlighting of some of these unlawful actions undertaken by the bureau against the BPP.

1. Creating Dissension Within the Panthers: On Snitch-Jackets, Provocateurs, Bad Media, and Other Techniques

A major goal of COINTELPRO was to sow dissension within the Party. A 1970 memorandum from Headquarters to the San Francisco field office of the FBI, for example, proposed:

A wide variety of alleged authentic police or FBI material could be carefully selected or prepared for furnishing to the Panthers. Reports, blind memoranda, LHMs [letterhead memoranda] and other alleged police or FBI documents could be prepared pinpointing Panthers as police or FBI informants; ridiculing or discrediting Panther leaders through their ineptness or personal escapades; espousing personal philosophies and promoting factionalism among BPP members; indicating electronic coverage where none exists; outlining fictitious plans for police raids or other counteractions; revealing misuse or misappropriation of Panther funds, pointing out instances of political disruptive material and disinformation; etc. *The nature of the disruptive material and disinformation "leaked" would only be limited by the collection ability of your sources and the need to insure the protection of their security.*

Effective implementation of this proposal could not help but disrupt and confuse Panther activities. Even if they were to suspect FBI or police involvement, they would be unable to ignore factual material brought to their attention through this channel. The operation would afford us a continuing means to furnish the Panther leadership true information which is to our interest that they know and disinformation which, in their interest, they cannot ignore.³⁷

Obviously, falsely labeling people as informants in any organization carries with it a serious potential risk to the reputation and, in some situations, safety of that person. This is especially true if the combined counterintelligence techniques employed convince the organization that their friends have been imprisoned or harmed because of the targeted informant. Fully aware of this obvious fact, the bureau nonetheless rationalized the placing of "snitch jackets" on innocent people:

You have to be able to make decisions and I am sure that labeling somebody as an informant, that you'd want to make certain that it served a good purpose before you did it and not do it haphazardly.... It is a serious thing. . . . As far as I am aware, in the Black extremist area, by using that technique, no one was killed. I am sure of that.³⁸

When asked whether the absence of any deaths was the result of "luck or planning," this same bureau official, George C. Moore, then chief of the Racial Intelligence Section, answered, "Oh, it just happened that way, I am sure."³⁹ The certitude of Moore's assertion is unfortunately belied by the bureau's own confidential memoranda, more than one of which claimed that the Party murdered "members it suspected of being police informants."⁴⁰ Indeed, the FBI worked closely with Connecticut authorities in trying to convict two Party leaders, Bobby Seale and Ericka Huggins, of conspiracy to murder

Alex Rackley, an alleged informant. Seale and Huggins were not convicted, but the government's chief witness against them, the person who admittedly participated in Rackley's killing, appears from facts disclosed during and after the trial to have been an agent or informant. At the very least, this person's immediate enrollment in an Ivy League institution after the murder trial, and subsequent employment by the administration of an eastern university, raises serious questions.⁴¹ In any event, the use of snitch-jackets by the bureau was widespread. The Senate Select Committee reports several instances of this technique without any apparent follow-up as to the consequences to the persons wrongly jacketed. Among the instances cited was one in San Diego where a Black Panther leader was arrested by the local police with four other members of the BPP. The others were released, but the leader remained in custody. Headquarters authorized the field office to circulate the rumor that the leader "is the last to be released" because "he is cooperating with and has made a deal with the Los Angeles Police Department to furnish them information concerning the BPP." The Target of the first proposal then received an anonymous phone call stating that his own arrest was caused by a rival leader.⁴²

Discrediting Newton

Leaders of the BPP were frequently targeted as snitches or sell-outs by the FBI in an effort to discredit or bring harm to them, especially Huey Newton. Upon Newton's release from prison in 1970, for instance, after a court of appeal reversed his conviction for manslaughter in the alleged shooting of an Oakland policeman, a memorandum from the FBI director instructed FBI field offices across the country to formulate COINTELPRO actions directed against Newton. FBI headquarters would direct the campaign; its contours were defined as follows:

To demythicise [sic] Newton, to hold him up to ridicule, and to tarnish his image among BPP members can serve to weaken BPP solidarity and disrupt its revolutionary and violent aims. [COINTELPRO actions] should have the 3-pronged effect of creating divisiveness among BPP members concerning Newton, treat him in a flippant and irreverent manner, and insinuate that he has been cooperating with police to gain his release from prison.⁴³

Within a week, the New York FBI field office had drawn up three phony letters, which attempted to discredit Newton. One message, to be mailed to the New York office of the Black Panther Party by the San Francisco FBI field office, read as follows:

Brothers, I am employed by the State of California and have been close to Huey Newton while he was in jail. Let me warn you that this pretty nigger may very well be working for pig Reagan. I don't know why he was set free but I am suspicious. I got this idea because he had

privileges in jail like the trustees get. He had a lot of privacy most prisoners don't get. I don't think all his private meetings were for sex. I am suspicious of him.

Don't tell Newton too much if he starts asking you questions—it may go right back to the pigs.

Power to the People ⁴⁴

FBI headquarters regarded this anonymous letter as "excellent," but cautioned "Take usual precautions to insure letters cannot be traced to Bureau. Advise Bureau and interested offices of positive results achieved."⁴⁵

The Philadelphia FBI field office prepared and sent to Newton a fictitious Black Panther Party directive, supposedly prepared by the Philadelphia Black Panther office, which questioned Newton's leadership abilities; accompanying it was a cover letter purportedly from an anonymous Party supporter accusing the Philadelphia chapter of "slandering its leaders in private."⁴⁶ FBI headquarters, in approving this operation, noted that prior COINTELPRO action which "anonymously advised the national headquarters that food, clothing and drugs collected for BPP community programs were being stolen by BPP members" had resulted in criticism of the Philadelphia chapter by the national office, transfer of members, "and the national office has even considered closing the Philadelphia chapter." The memorandum concluded, "we want to keep this dissension going."⁴⁷

The Los Angeles FBI office suggested that a death threat against Newton be sent to Black Panther leader David Hilliard, purportedly from a contract killer.⁴⁸ FBI headquarters stopped this action, however, in the belief that if Newton were to be murdered then, the letter might be traced to the bureau by postal authorities.⁴⁹

When Angela Davis, then one of the FBI's ten most wanted fugitives, was arrested in New York City in mid October 1970 and charged with conspiracy in the Marin County Courthouse incident, the FBI falsely tried to cast Newton as the fingerman:

In view of the fact that there is suspicion in the Negro [sic] community that DAVIS was "set up," NYO suggests that HUEY NEWTON ... be cast in the light as "fingerman." If such a ploy could be successfully carried out it might result in disruption in the Black Nationalist field as well as divorcing BPP from CPUSA and Militant New Left groups.⁵⁰

One handwritten letter was sent to *Ebony* magazine by the Chicago FBI field office, "mailed from a Negro [sic] as follows:

Dear Brothers and Sisters:

As of this writing, our lovely Sister Angela languishes in jail and her chances of freedom seem remote. She's got to pay the man, right? But the question I put to you is: Who did the money pay?

You know and I know the pigs can't come up with a Black in a Black community just by driving around the streets and hassling the Brothers. I tell you that Sister Davis would still be free if her capture was left to the federal pigs alone. Of course, it was not that way at all. There was bread—lots of pure cash rye—put into an eager Black hand which in turn twisted the knife of treachery in our Sister's back.

Now, the big question is who? Who was the cat who dishonored his skin and took the 30 pieces of silver?

Some of the west coast cats are looking hard at Brother Newton. Shit, you say, Huey would never sell out to pig country. He's a dedicated Nationalist, leader of the Brothers and Sisters and a cat with real soul. Maybe it's bullshit, but let's look at Huey a little closer. He gets sprung from a stiff rap in August. The man suddenly turns kind and sets our Brother free. In that same month Sister Angela is among the missing as the result of a frame the pigs laid on her. What did Huey give for the sunlight and flowers? Or better still, what did the man give sweet Huey? How come Huey's size 12 mouth has been zippered since our Sister's bust? Nothing, he says. Absolutely nothing. Not one appeal for justice. No TV, no papers, no radio, no nothing. He got five grand, so the cats say. It's enough to make a man wonder. Wouldn't be surprised if Huey didn't split the scene soon. I, for one, will be most interested.

A Friend of Sister Angela ⁵¹

Another handwritten letter was mailed to the *Village Voice* newspaper by the New York FBI field office:

Sister Angela is in jail. Poindexter is free. Huey Newton is free. David P. is a dumb-head and a hop-head. Forget him. But Huey is smart. Gets along well with the MAN. The question is: Did this cat bank five big bills lately ... as a gift from the federal pigs?

Concerned Brother ⁵²

The bureau did not miss any chance to further its disinformation campaign. Later, in the fall of 1970, the San Francisco FBI field office sent an unsigned letter, purportedly from a "white revolutionary," to Newton criticizing the Party-sponsored Revolutionary People's Constitutional Convention: "You," the letter concluded, "must be held responsible for this fiasco and it is due to your total incompetence for selecting stupid lazy niggers to do the job and you and your whole party have set the revolution back five

years. "⁵³ When the Howard University student newspaper printed a letter signed "Concerned Students of Howard University," which was critical of Huey Newton and the Party, the San Francisco FBI field office mailed Xerox copies to seventeen newspapers in northern California; the letter had been prepared and sent to the student newspaper in the first place by the Washington, D.C., FBI field office."⁵⁴

When Newton's conviction for allegedly shooting a policeman was reversed in 1970, FBI Director J. Edgar Hoover immediately requested official authorization from Attorney General John Mitchell for "a microphone surveillance and a telephone surveillance at apartment 25A, 1200 Lakeshore, Oakland"⁵⁵—Huey Newton's new residence. Hoover considered it "likely that high-level party-conferences will be held at this location," and he reminded Mitchell "that existing telephone surveillance on certain Black Panther officers, all of which have been authorized by you, have provided extremely valuable information on Black Panther Party involvement in foreign matters and plans for violent acts against top officials of this country and foreign diplomatic personnel."⁵⁶ (The ending clause, clumsily tacked on the sentence, was the requisite "national security" justification for covert action.) Hoover's request concluded with the observation that "trespass will be involved with respect to the microphone surveillance." "⁵⁷

Mitchell approved the request, and San Francisco FBI agents paid the building engineer, Roger DuClot, to accompany them in breaking into Newton's apartment to install the microphone in the wall."⁵⁸

But the FBI was not content with surveillance. On November 24, 1970, the San Francisco FBI field office proposed an additional COINTELPRO operation concerning Newton's new apartment. The field office proposed a media campaign which would characterize the apartment as a "luxurious lakeshore" penthouse, far more elegant than "the ghetto-like BPP 'pads' and community centers" utilized by the Party."⁵⁹ However, the field office agreed to refrain "presently" from leaking "this information to cooperative news sources" because of a "pending special investigative technique [i.e., the 'bug' and wiretaps]."⁶⁰

Once the installation of the surveillance devices had been completed, the FBI gave the "plush penthouse" story to one of the bureau's key media "assets," reporter Ed Montgomery of the *San Francisco Examiner*.⁶¹ Shortly, Montgomery's FBI-furnished article was featured on the front page of the *Examiner*. Pleased with this quick success, the San Francisco field office mailed copies of the feature article, anonymously, to "all BPP offices across the United States and to three BPP contacts in Europe."⁶² Additional copies were mailed to newspaper editors in all cities where the BPP was active.

To bolster the innuendos of lavish living and misuse of Party funds, the FBI sent a fictitious letter from a national Black Panther Party officer to Party chapters in Baltimore, Boston, Chicago, Indianapolis, Los Angeles, New Haven, New York, Philadelphia, and Washington, D.C. The message, mailed from Oakland, read in part:

Comrades:

Too many of your leaders have now turned this movement into something to line their own pockets and have little regard for the man on the street selling "The Black Panther." Ask the members of your chapter coming to the national where the Comrade Commander and the Chief of Staff live. Huey Newton lives miles from another nigger and you'll never find him in National Headquarters.

If you're lucky you can see him buying drinks for white freaks in Oakland supper clubs. ...⁶³

In addition, FBI Headquarters formulated a COINTELPRO plan to "embarrass BPP leader Huey Newton through use of a fictitious bank account, indicating misappropriations of BPP funds."⁶⁴ This plan required that:

a fictitious bank account record be created in the name of HUEY P. NEWTON through an appropriate bank which will cooperate with the Bureau confidentially. A photostat of a false ledger card could be prepared and mailed to national headquarters anonymously along with an appropriate letter condemning NEWTON. The account should show regular sizable deposits over a period of several years and have a sizable balance existing.⁶⁵

Beginning April 1, 1971, and for months thereafter, the FBI paid "\$540 per month . . . for the rental of apartment 25B, 1200 Lakeshore, Oakland, California."⁶⁶ In this apartment, adjacent to the one in which Newton was living, the FBI placed an undercover agent with instructions to keep Newton under physical surveillance, as well as monitoring the electronic eavesdropping devices. Subsequently, hardly a day passed when Newton was not followed or observed by a plainclothes agent on all of his travels to and from the apartment building.

One of the undercover agents placed in apartment 25B was Don Roberto Stinnette, who was described (in an FBI case report on Newton) as "involved with local drug traffic."⁶⁷ Stinnette, who professed to be on parole from a California prison, remained in the apartment for several months while he spied on Newton, his associates, and guests.

On November 18, 1972, Newton's wife, Gwen Fountaine Newton, discovered several men burglarizing and ransacking their apartment when she returned unexpectedly:

After leaving the apartment with Huey, I returned with Huey's niece, Deborah, because I had forgotten something. I entered to find three men robbing the apartment. They held me at gunpoint. Their pistols had silencers on them. Huey's documents and other papers were strewn about on the floor.⁶⁸

Files and records, along with clothes and heavy furniture, were taken by these men from the apartment—a closed, supposedly secure complex with a doorman and basement

garage that could be entered only with the aid of an apartment-supplied electronic garage-door opener. How and why did these men enter this complex, burglarize the penthouse apartment, and leave undetected with so much stolen property? The Party believes that the stolen records and materials were actually moved next door during the robbery to the apartment of the FBI agent or informant. Later, when it was convenient to go unnoticed, the materials were quietly but openly moved out in crates and boxes from an art exhibit supposedly held in this same agent's apartment.⁶⁹

Literally no tactic was too bizarre, unconscionable, or extreme for government intelligence officials. On Saturday morning, February 18, 1973, at 5:30 a.m., a squad of Oakland police officers conducted a raid on the twenty-fifth floor of Huey Newton's apartment building. For cover, they had obtained a warrant, "authorized for night service," for the arrest of Don Roberto Stinnette for unpaid traffic tickets. The police team proceeded to engage in a shootout with Stinnette, who was equipped with a semiautomatic rifle, in the hall outside Newton's apartment. Newton refused to take the bait to open his door. Surprisingly, neither Stinnette nor police were injured. Later, the media reported the news of gunfire at the "swank apartment . . . next door to Black Panther leader Huey Newton's."⁷⁰ But the press had missed what was perhaps the real story: That the police and undercover agent had staged the entire shootout in hopes that Newton could be drawn out of his apartment where he could be shot.

It is not difficult to divine the intended effect of these FBI actions, or just why the bureau felt they might, through the aggregate of activity, neutralize the Party's founder. In the words of one observer:

Do you remember what it is like to have one friend mad at you, against you, or even an enemy, or someone out to get you as may have happened occasionally when you were a kid? But how many of us have this baring experience now? Occasionally someone may be after our job or promotion, but not our life or our freedom. We cannot even imagine what it is like to have one or all of the major investigatory agencies against us. To have phones always tapped. To have no one able to know you without that person also becoming a public enemy. To be watched for minute traffic violations every time you drive to the store. To be under constant observation. To never know who might be a paid informer or a fake next door neighbor. And in the midst of this, to have a developing community strained by the very pressures around you, around your friends, around a vision of the people which is unbearable to our present society.⁷¹

Fostering a Newton-Cleaver Split

In March 1970, the FBI zeroed in on Eldridge Cleaver, then in exile in Algiers after he had been told to leave Cuba. The bureau learned that the high-strung Cleaver had "accepted as bonafide" a fictitious letter "stating that BPP leaders in California were seeking to undercut his influence."⁷²

For the next year, FBI field offices supplied Cleaver with a steady stream of messages containing erroneous information about various Black Panther Party leaders and activities, especially about Huey Newton. After his release from prison in August 1970, Cleaver led a Black Panther Party-sponsored delegation of American activists to North Korea and North Vietnam. After the conclusion of the tour, "the Los Angeles FBI field office was asked to prepare an anonymous letter to Cleaver criticizing Newton for not aggressively obtaining BPP press coverage of the BPP's sponsorship of the trip."⁷³

In December 1970, with the adoption of the Key Black Extremist program, the FBI increased its COINTELPRO efforts to turn Cleaver against Newton. The Bureau issued instructions to:

write numerous letters to Cleaver criticizing Newton for his lack of leadership. It is felt that, if Cleaver received a sufficient number of complaints regarding Newton it might . . . create dissension that later could be more fully exploited.⁷⁴

One letter to Cleaver, written to appear as if it had come from Connie Matthews, then Newton's personal secretary, read in part:

I know you have not been told what has been happening lately. . . . Things around headquarters are dreadfully disorganized with the comrade commander not making proper decisions. The newspaper is in a shambles. No one knows who is in charge. The foreign department gets no support. Brothers and sisters are accused of all sorts of things... .

I am disturbed because I, myself, do not know which way to turn. . . . If only you were here to inject some strength into the movement, or to give some advice. One of two steps must be taken soon and both are drastic. We must either get rid of the supreme commander or get rid of the disloyal members . . . Huey is really all we have right now and we can't let him down, regardless of how poorly he is acting, unless you feel otherwise.⁷⁵

More flattery came from "Algonquin J. Fuller, Youth Against War and Fascism, New York," supposedly one of Cleaver's white admirers:

Let me tell you what has happened to our brothers in the Party since you have left and that "Pretty Nigger Newton" in his funky clothes has been running things... .

Brother Eldridge, to me as an outsider but one who believes in the revolution, it seems that the Panthers need a leader in America who will bring the Party back to the People.

Brother Newton has failed you and the Party. The Panthers do not need a "day time revolutionary, a night time party goer and African fashion model as a leader." They need the leadership which only you can supply.⁷⁶

The New York FBI field office mailed another fictitious letter to Cleaver, supposedly from the "New York Panther 21," in order to "further aggravate the strained relationship between Newton and Cleaver":

As you are aware, we of the Panther 21 have always been loyal to the Party and continue to feel a close allegiance to you and the ideology of the party which has been developed mainly through your efforts... .

We know that you have never let us down and have always inspired us through your participation in the vanguard party. As the leading theoretician of the party's philosophy and as brother among brother, we urge you to make your influence felt. We think that The Rage [i.e., Cleaver] is the only person strong enough to pull this factionalized party back together... .

You are our remaining hope in our struggle to fight oppression within and without the Party.⁷⁷

By late January 1971, the bureau's COINTELPRO campaign had begun to achieve favorable results. Cleaver was responding to the prompting of the disinformation campaign. One bureau memorandum reported that Cleaver considered one of the fictitious letters to contain "good information about the Party."⁷⁸ Another COINTELPRO report ebulliently noted that "Cleaver has never previously disclosed to BPP officials the receipt of prior COINTELPRO letters."⁷⁹

Now was the time for the bureau to "more fully exploit" the dissension it had fostered. FBI headquarters directed the field office to intensify the campaign against the Black Panther Party:

The present chaotic situation within the BPP must be exploited and recipients must maintain the present high level of counter-intelligence activity. You should each give this matter priority attention and immediately furnish Bureau recommendations . . . designated to further aggravate the dissension within BPP leadership.⁸⁰

On February 2, 1971, FBI headquarters directed each of twenty-nine field offices to submit within eight days a proposal to disrupt local Black Panther Party chapters and the Party's national headquarters in Oakland. The bureau command believed its four-year-long war against Huey Newton and the Black Panther Party was nearing victory. The situation, field office supervisors were reminded, offers an exceptional opportunity to further disrupt, aggravate and *possibly neutralize* this organization through counter-

intelligence. In light of above developments this program has been intensified . . . and selected offices should ... increase measurably the pressure on the BPP and its leaders.⁸¹

For three solid weeks, a barrage of anonymous letters flowed from FBI field offices in response to the urging from FBI headquarters. The messages became more and more vicious. On February 19, 1971, a false letter, allegedly from a Black Panther Party member in the Bay Area, was mailed to Don Cox, Cleaver's companion in Algiers. The letter intimated that the recent disappearance and presumed death of Black Panther leader Fred Bennett was the result of Party factionalism.⁸²

On February 24, an urgent teletype message from the FBI director authorized the most daring step in the campaign—a falsified message to Cleaver from a member of the Party's Central Committee. A letter over the forged signature of Elbert "Big Man" Howard, editor of *The Black Panther* newspaper, told Cleaver:

Eldridge,

John Seale told me Huey talked to you Friday and what he had to say. I am disgusted with things here and the fact that you are being ignored. I am loyal to the Party and it makes me mad to learn that Huey now has to lie to you. I am referring to his fancy apartment which he refers to as the throne. I think you should know that he picked the place out himself, not the Central Committee, and the high rent is from Party funds and not paid by anyone else. Many of the others are upset about this waste of money. It is needed for other Party work here and also in Algeria. It seems the least Huey could do is furnish you the money and live with the rest of us. Since Huey will lie to you about this, you can see how it is with him. You would be amazed at what is actually happening.

I wish there was some way I could get in touch with you but in view of Huey's orders it is not possible. You should really know what's happening and statements made about you. I can't risk a call as it would mean certain expulsion. You should think a great deal before sending Kathleen. If I could talk to you I could tell you why I don't think you should.

Big Man 83

Eldridge Cleaver apparently believed the letter to be legitimate. Huey Newton telephoned Algiers to ask Cleaver to participate in a long-distance telephone hook-up on a San Francisco television talk show; Cleaver agreed to the plan. Three hours later, when the TV station's call to Algiers went through, Cleaver launched into a furious criticism of the Black Panther Party's Central Committee, and demanded that Panther Chief of Staff David Hilliard be removed from his post, and attacked the breakfast program as reformist.⁸⁴

Cleaver had regained his place in the spotlight, if only for a moment. When the Central Committee expelled him from the Black Panther Party for his behavior, Cleaver announced that the "real" Black Panther Party would thereafter be directed from Algiers. Like an ultra-left sorcerer's apprentice with a gift of verbal magic, Cleaver frenetically tried to coalesce his own followers with transatlantic exhortations for immediate guerrilla warfare.

FBI officials were elated. In mid-March, FBI headquarters declared its COINTELPRO operation aimed at "aggravating dissension" between Newton and Cleaver a success. New instructions for the field offices were promulgated:

Since the differences between Newton and Cleaver now appear to be irreconcilable, no further counter-intelligence activity in this regard will be undertaken at this time and now new targets must be established.

David Halliard and Egbert "Big Man" Howard of National Headquarters and Bob Rush of Chicago B.P. Chapter are likely future targets... .

Hilliard's key position at National Headquarters makes him an outstanding target. Howard and Rush are also key Panther functionaries . . . making them prime targets.⁸⁵

The Black Panther newspaper dated April 17, 1971, the last issue Party member Samuel Napper was to distribute before his murder by alleged Cleaver supporters, carried Huey Newton's assessment of the Eldridge Cleaver episode and the difficulties it had brought upon the Party:

I had asked Eldridge Cleaver to join the Party a number of times. But he did not join until after the confrontation with the police in front of the office of *Ramparts* magazine, where the police were afraid to go for their guns. Without my knowledge, he took this as *the* Revolution and *the* Party. But in our basic program it was not until Point 7 that we mentioned the gun, and this was intentional. We were trying to build a political vehicle through which the people could express their revolutionary desires. We recognized that no party or organization can make the revolution, only the people can. All we could do was act as a guide to the people, because revolution is a process, and because the process moves in a dialectical manner . . .

When Eldridge joined the Party it was after the police confrontations, which left him fixated with the "either-or" attitude. This was that either the community picked up the gun with the Party or else they were cowards and there was no place for them. . . . Sometimes there are those who express personal problems in political terms, and if they are eloquent, then these personal problems can sound very political. We charge Eldridge Cleaver with this. Much of it is probably beyond his control, because it is

so personal... . Under the influence of Eldridge Cleaver the Party gave the community no alternate for dealing with us, except by picking up the gun... .

Eldridge Cleaver influenced us to isolate ourselves from the Black community, so that it was war between the oppressor and the Black Panther Party, not war between the oppressor and the oppressed community.⁸⁶

2. Creating Discord Between the BPP and Other Black Groups: Murder and Mayhem from Chicago to California. Chicago and Fred Hampton

The Chicago office of the FBI, under the direction of Marlin Johnson, responded energetically to the COINTELPRO directions from headquarters. Soon after receipt of the memorandum instructing "recipient offices . . . to submit imaginative and hard-hitting counter-intelligence measures aimed at crippling the BPP,"⁸⁷ they began sending letters to the leadership of a Chicago street gang called the Blackstone Rangers, or P-Stone Nation, telling them that the Panthers wanted to take away their territory.⁸⁸ By December of 1968, this activity had escalated. The Chicago office reported in a memorandum to headquarters that Jeff Fort, the head of the Rangers, had said that he would "take care of" anyone saying bad things about him. Chicago recommended that the bureau write Fort an anonymous letter saying that several Panthers were spreading rumors about him.⁸⁹

By January 1970, the FBI's tactics became more straightforward. The Chicago office suggested sending Fort a letter telling him that there was a "hit" out for him from the Panthers.⁹⁰ This effort, the FBI hoped, would occasion Fort to take retaliatory action which would disrupt the BPP or lead to reprisals against its leadership. Fred Hampton was then the head of the Chicago office of the Panthers. The memorandum explained why a similar letter was not being sent to the Panthers:

Consideration has been given to a similar letter to the BPP, alleging a Ranger plot against the BPP leadership; however, it is not felt this would be productive, principally since the BPP at present is not believed as violence-prone as the Rangers, to whom violent type activity—shooting, and the like—is second nature.⁹¹

The bureau's own internal memoranda make it clear that, whatever their public rhetoric, their goal was to promote, rather than prevent, violence. Fred Hampton became a prime target for this FBI-directed violence.

Hampton was only 18 when he became head of the Illinois chapter of the Panthers. He was an extraordinary leader—a brilliant and charismatic speaker—with an exceptional ability to deal with people and inspire confidence. His energy led the Chicago chapter of the Panthers to be one of the most effective. Five different breakfast programs were

begun on Chicago's West Side, and a free medical center was begun in a neighborhood which had an infant mortality rate more than twice that of White Chicago. Under his direction, the Party also began a door-to-door program of health care which included testing for sickle cell anemia and blood drives for Cook County Hospital, which served much of the Black community. During the winter, the Party organized an emergency heat program, which kept pressure on the landlords to repair furnaces and boilers. The community was beginning to deal with its problems, and an atmosphere of optimism and commitment was growing.⁹²

Hampton was relentless; he could be found bustling around the Panther headquarters, out in the streets talking to and organizing people, or at one of an increasing number of speaking engagements throughout the Midwest. By the summer of 1969, he was talking to thousands of people in the course of a month. He was becoming a national figure both inside and outside the Party, and it was being suggested that he be brought into the national BPP leadership.

On March 4, 1968, the Chicago office of the FBI received a memorandum advising them to keep close track of those Black leaders on the "Rabble Rouser Index" who might be future targets of the COINTELPRO.⁹³ On March 7, 1968, an airtel was sent back to headquarters from Chicago stating that Fred Hampton was "in the RRI Sources assigned. Liaison being maintained with Maywood Police Department."⁹⁴

The FBI assigned an informer to Hampton; the Chicago office sent many memoranda to headquarters on him, and his travel was closely watched. By September, headquarters was pressing for intensified investigations into the leadership of the Party, and by this time, Hampton was being listed in FBI memoranda as one of the BPP's leadership.

In response, the bureau introduced a new informer into the Panther leadership—William O'Neal, who had joined the Panthers in late 1968, after being asked to do so by FBI Special Agent Roy Martin Mitchell.⁹⁵ Besides his role as informer, O'Neal was also the classic agent provocateur. He at one point devised an outrageous plan to blow up City Hall, but was soon told to forget it by the Panther leadership. His most infamous invention, which was almost immediately dismantled, was a homemade electric chair, which he, ironically enough, planned to use to interrogate possible infiltrators into the Party.⁹⁶

During the period from 1969 to 1970, O'Neal received over \$17,000 from the FBI. In return, he provided the FBI with almost daily information concerning the activities and, in particular, the leadership of the Party. He became chief of security for the BPP, and in February of 1969, O'Neal became Hampton's personal bodyguard. That same month, Mitchell wrote a memorandum asking the bureau to raise O'Neal's pay from \$300 to \$600 a month.⁹⁷ And O'Neal was not alone; he was only one of several informers which the FBI had planted in the BPP.

O'Neal's role became more prominent as the FBI became more and more aggressive in its activities against the BPP. In June of 1969, O'Neal's reports were used as an excuse for a

raid on the Panther office in Chicago.⁹⁸ Under the pretext of looking for a fugitive, the police surrounded the office, almost causing a shootout. The fugitive, who later turned out to be an FBI informer, was not found; but several Panthers were arrested, and the office [was] ransacked.

In mid-November, FBI Agent Mitchell and informer O'Neal met.⁹⁹ O'Neal told Mitchell that Hampton had just returned from a meeting in California with the national leadership and that he would become BPP chief of staff if Hilliard went to jail. O'Neal also informed Mitchell that Hampton's court date was coming up and that Hampton seemed to be implying that he would not go to jail again and that the Party would have to survive without his being around on a daily basis. This was an indication that Hampton might go underground. O'Neal also reported that there might be a drastic purge in the Panther Party in Chicago, expelling all members but Hampton and Rush. Any one of these factors might have given the bureau a sense of urgency in moving against Hampton. And the recent killing of two police officers by Black people may have led the FBI to believe it could now get the police to do what it had failed to get the Rangers to do.¹⁰⁰

Mitchell apparently asked O'Neal to get him the floor plan for the apartment where Fred was living because when the two met again on November 9, Mitchell sketched out a diagram from O'Neal's description of the apartment, including a detail labeled "Fred's bed."¹⁰¹

O'Neal also told Mitchell that there were weapons in the house, but according to all FBI documents, he said that the weapons had been legally purchased. O'Neal's deposition, taken years later, noted that there was nothing unusual about the fact that there [were] guns in the house.¹⁰² An internal bureau memorandum indicates how unexceptional this information was:

No [word deleted] matter is being opened in the Chicago office concerning this matter inasmuch as information indicates the weapons were apparently legally purchased under the terms of existing Firearms laws, possession of some is apparently rampant throughout BPP members and apartment rent is paid with BPP funds.¹⁰³

Mitchell had known that the Panthers had guns, but had never asked very much about it. However, on this occasion, Mitchell was particularly interested. He asked exactly what guns were in the house and also when Fred Hampton was usually there. O'Neal provided a list of weapons and confirmed that Hampton both worked and lived in the apartment.

Armed with the information about the weapons, the floor plan, and the fact that Hampton lived there, Mitchell began to peddle the raid. According to his own testimony, he met on the night of November 19 with people from the Gang Intelligence Division of the Chicago Police Department, and they talked about the possibility of a raid.¹⁰⁴ In a November 21 memorandum from Mitchell to Marlin Johnson, the head of the Chicago FBI office, Mitchell communicated the floor plan of 2337 Monroe Street and informed

Johnson that he had already given this information to both the Chicago Police Department and the state attorney's office.¹⁰⁵

By December 3, the Chicago office of the FBI was able to advise Washington that the local authorities were "currently planning a positive course of action relative to this information."¹⁰⁶ In other words, when the Blackstone Rangers failed to take the bait, the FBI enlisted the state attorney's office to carry out the job for them.

At the same time, O'Neal met with Mitchell and then wandered back over to the Panther office and finally over to 2337 Monroe to eat dinner with Fred Hampton, Deborah Johnson, and several others who were then in the apartment. Meanwhile, the fourteen-man squad of the Illinois State Police, which was to carry out the raid, was being assembled by the State Attorney's Office.

By 3:00 a.m., the police raid squad was being briefed. The floor plan, which the FBI's Mitchell had provided, was on the board, and the search warrant which was based on FBI informer O'Neal's information was on hand. The men were armed with machine guns and other heavy weapons; they had been hand-picked, and they were being psychologically prepared for a combat mission.¹⁰⁷

At 2337 Monroe Street, nine people were asleep in the four-room apartment when suddenly the doors opened and a hail of bullets tore through the walls, the beds, and the occupants. After nine minutes, the screams had stopped; the volleys had ended, and silence had once again descended on the apartment, where minutes before the police had been screaming, "We got 'em, we got 'em."¹⁰⁸

Fred Hampton lay dead on a blood-soaked bed. He had barely moved from where he had lain asleep. According to later testimony by both an FBI informant and the occupants of the apartment, it is probable that he had been drugged. Deborah Johnson, a BPP member, stated that he had fallen asleep while talking on the phone earlier in the evening. Maria Fischer, an FBI and Chicago Police Department informant in the BPP, said that the FBI asked her to drug Hampton before the raid so that he wouldn't resist. He did not resist; he never woke up.

Mark Clark, 17 years old, was dead also. He had been seated in the living room on a chair. He now lay on the floor. Five more people were wounded. Four others escaped without injury.

Ninety bullets had been shot into the apartment in a period of less than ten minutes. According to the federal grand jury report, only one of those shots had been fired by a Panther.¹⁰⁹

Thirty-one of the ninety shots entered the bedroom where Hampton slept. He had been shot four times—in an arm and a shoulder, and twice in the head. Three other people had lain on the same bed during the nine-minute hail of bullets, yet none of them had been hurt. Deborah Johnson, then eight months pregnant with Fred Hampton's child, has said

that minutes after the firing stopped, and after she had been taken from the bedroom to the kitchen, she heard two single shots and then a policeman say, "Now he's good and dead." An independent commission headed by Roy Williams and Ramsey Clark concluded that "the probability is that Hampton was alone in the bed when shot."¹¹⁰

Immediately following the raid, a series of urgent teletypes were sent from Chicago to Washington, D.C., which gave details of the events of December 4. The first of these teletypes was quick to inform headquarters that the police had "positively identified Hampton as being killed."¹¹¹ What followed were a series of almost hourly bulletins reporting that the area was calm.

Obviously pleased with the results, Marlin Johnson sent the following memorandum to FBI headquarters asking that William O'Neal receive a special bonus:

A detailed inventory of the weapons and also a detailed floor plan of the apartment were furnished to local authorities. In addition, the identities of BPP members utilizing the apartment at the above address were furnished. This information was not available from any other source and subsequently proved to be of tremendous value in that it subsequently saved injury and possible death to officers participating in a raid at the address on the morning of 12/4/69. The raid was based on the information furnished by informant. . . . During the resistance by the BPP members at the time of the raid ... Fred Hampton was killed. It is felt that this information is of considerable value in consideration of a special payment for informant requested in the Chicago letter."¹¹²

On December 11, 1969, the Chicago office received the following airtel:

Authority is granted to make captioned informant special payment of \$300 over and above presently authorized levels of payment for uniquely valuable services which he rendered over the past several months.¹¹³

Carter and Huggins: A Case of FBI Assassination?

The public is well aware, after the publicity given the Senate Select Committee report in 1976, of the bureau's efforts to create dissension between the BPP and other Black groups. Besides the Blackstone Rangers in Chicago, the other principal Black group that reportedly clashed with the Panthers in response to Bureau counterintelligence activities was the United Slaves (US), which was founded by Ron Karenga in Los Angeles. The impression given from official investigations is that the FBI merely took advantage of an existing state of gang warfare between the two organizations. This was supposedly accomplished by the sending of false death threats and derogatory cartoons in the name of one organization to another.¹¹⁴

There is no doubt that the bureau desired violence to occur between the two organizations. In 1970, for instance, after four BPP members had already been killed by alleged members of US, the special agent in charge of the Los Angeles office wrote to FBI Headquarters:

The Los Angeles Division is aware of the mutually hostile feelings harbored between the organizations and the first opportunity to capitalize on the situation will be maximized. It is intended that US, Inc. will be appropriately and discreetly advised of the time and location of BPP activities in order that the two organizations might be brought together and thus grant nature the opportunity to take her due course.¹¹⁵

To be sure, promoting violence for political reasons is a serious enough charge to be leveled and proved against a federal agency charged by law with investigating crimes and preventing criminal conduct. Much more serious, however, is the recently discovered evidence suggesting that the FBI participated in the murders of two Panthers, John Huggins and Alprentice "Bunchy" Carter, at the University of California, Los Angeles, in 1969, helped to cover up their role, and sought to pin the blame on United Slaves.

The main source for this information is a former Black informant for the FBI named D'Arthard Perry, also known as Ed Riggs and, according to him, [by] the code name "Othello" by bureau officials with whom he dealt.¹¹⁶ Perry claims that he was first recruited into working as an informant for the FBI in 1968 after being discharged from the army. Economic need and the threat of having his state probation revoked if he failed to cooperate with the bureau were the principal reasons he offers for agreeing to work with the bureau. Though he was recruited while attending Sacramento State College, Perry reported directly to three Los Angeles FBI agents: Brandon Cleary, Will Heaton, and Michael Quinn. He was instructed to join the Party, which he did, and initially report on its activities. Soon, however, he was requested to assume a more active role by stealing phone-address books of members for copying by the bureau, providing floor lay outs of Panther offices, and even stealing the infamous coloring book draft that the Party had scrapped, but the FBI doctored and circulated in the Party's name.

After successfully completing and receiving increasing pay for these tasks, Othello was instructed by the FBI to assist in promoting discord between members of US and the Party in Los Angeles. He did so by, on at least one occasion, beating up a US member to give the impression it was sanctioned by the Party.¹¹⁷

On January 17, 1969, Perry was instructed by Cleary and Heaton to go to Campbell Hall at UCLA. There a debate was to occur between the Panthers and US concerning the direction of the Black studies program on campus. Huggins and Carter were the main representatives of the Panthers. What happened then, is best explained in Perry's words:

I arrived there in the late morning and observed many members of the Black Panther Party and US organization present in the room as well as other people not identified with either organization.

I observed the situation in the cafeteria—which seemed to be nothing more than a meeting and left for a short time to go to a parking lot located near the building. The parking lot is reached by proceeding down a pathway, across a street and then to the parking lot.

Shortly after my arrival in the parking lot I heard shots from the direction of Campbell Hall.

Within a few minutes I observed George Stiner, Larry Stiner, and Claude Hubert also known as Chuchessa, jump into a 1967 or 1968 light tan or white, four-door Chevrolet driven by Brandon Cleary of the Federal Bureau of Investigation. I saw this car drive away from the parking lot of Campbell Hall. I left the campus on foot and immediately went to FBI headquarters by bus. I inquired as to the whereabouts of Brandon Cleary at this time, and, was told he was not available. I am informed and believe that the four-door Chevrolet described above was the property of a man called "Jomo," a known member of the US organization, now deceased.

I recognized George Stiner, Larry Stiner, and Claude Hubert from seeing them prior to this date on the 14th floor of the Federal Bureau of Investigation building on several occasions in the company of Brandon Cleary, the man I had seen drive them away from the Campbell Hall area.

I had been told to give a report within twenty-four hours of the incident to my supervising agent, Will Heaton, on the 14th floor of the Wilshire Blvd. Federal Bureau of Investigation building.

A few hours later, I went to the building and met with my supervising agent, Will Heaton. While in his company, I observed George Stiner, Larry Stiner, and Claude Hubert in the company of Brandon Cleary on the 14th floor of the Federal Bureau of Investigation building. I asked Cleary, "what was happening" and was told that there had been a "fuck up—no one was to be killed by `our' people." I also learned that the car that had been driven by Cleary was taken from the place Jomo Shambulia had parked it and returned to the same parking space after the incident. I also learned that it was Claude Hubert who fired the shot that killed John Jerome Huggins and the same Claude Hubert who fired the shot that killed Alprentice "Bunchy" Carter and not George or Larry Stiner.

Through information and belief, I have knowledge that George Stiner and Larry Stiner were Intelligence Gatherers for the Federal Bureau of Investigation and were working for Brandon Cleary and others when John Jerome Huggins and Alprentice "Bunchy" Carter were murdered. I am informed and believe that Claude Hubert was on January 17, 1969 at the time he reportedly executed John Jerome Huggins and Alprentice "Bunchy" Carter, an agent in the service of the Federal Bureau of

Investigation, Los Angeles office. I am further informed that this same Claude Hubert was subsequently transferred to an east coast office of the Federal Bureau of Investigation, specifically New York, New York.¹¹⁸

The Stiner brothers, after reportedly surrendering themselves to the police, were tried and convicted of the murders of Carter and Huggins. They were sentenced to San Quentin, a maximum security prison. Four years later, they were, as model prisoners, transferred to the minimum security section of the prison. They were then both allowed a conjugal visit. At which time, they escaped and have not been heard from to this date.¹¹⁹ Hubert has also never been apprehended.

3. Discrediting Constructive Party Programs

The FBI was most disturbed by the Panthers' survival programs providing community service. The popular free breakfast program, in which the party provided free hot breakfasts to children in Black communities throughout the United States, was, as already noted, a particular thorn in the side of J. Edgar Hoover. Finding little to criticize about the program objectively, the Bureau decided to destroy it.

The tactics employed to ruin the breakfast program illustrate the lengths to which the bureau would go. In 1969, for instance, party leaders rejected a so-called "comic book," without captions or words, that was drawn by an alleged party member. It depicted police as caricature pigs and was submitted by the member to party leaders for possible purposes of political propaganda. After its rejection by party leaders, however, an informant for the FBI stole one of the few drafts of this proposed publication and delivered it to the FBI. Thereupon the FBI added captions advocating violence, printed thousands of copies bearing the Party's name, and circulated them throughout the country, particularly to merchants and businesses who contributed to the breakfast program.¹²⁰ Those who received these so-called Panther "comics" were falsely told and led to believe by the FBI that they were given out by the Panthers to children participating in the breakfast programs. Not surprisingly, many merchants who supported the program withdrew from it, as did others who had lent their support.

Churches assisting the Panthers in the breakfast program were also harassed by the FBI in order to deter them from continuing support. In San Diego, an FBI official placed telephone calls and wrote anonymous letters to the Auxiliary Bishop of the Diocese of the Catholic Church in 1969 falsely claiming to be parishioners upset about the priest's support of the breakfast program.¹²¹ Within one month of these calls, this priest was transferred from the San Diego diocese to the state of New Mexico. The FBI reported in an internal memorandum that the priest had been neutralized and that the breakfast program in San Diego has been destroyed.¹²²

Huey Newton noted of another constructive Party program: "Our Intercommunal News Service and weekly paper *The Black Panther*, have become central in the Black Panther

survival programs. " 123 The FBI apparently agreed, stating in a 1970 headquarters memorandum to field offices, that:

The Black Panther Party newspaper is one of the most effective propaganda operations of the BPP.

Distribution of this newspaper is increasing at a regular rate thereby influencing a greater number individuals in the United States along the Black extremist lines.

Each recipient submit by 6/5/70 proposed counter-intelligence measures which will hinder the vicious propaganda being spread by the BPP.

The BPP newspaper has a circulation in excess of 100,000 and has reached the height of 139,000. It is the voice of the BPP and if it could be effectively hindered, it would result in helping to cripple the BPP. Deadline being set in view of the need to receive recommendations for the purpose of taking appropriate action expeditiously.¹²⁴

The San Diego field office responded by noting that, while the BPP newspaper presumably had the same legal immunity from tax laws as other newspapers, three California might be selectively used against *The Black Panther*. One was a state tax on printing equipment; the second, a "rarely used transportation tax law"; and the third, a law prohibiting business in a residential area.¹²⁵

In addition, the San Diego field office suggested spraying the newspaper printing room with a foul-smelling chemical:

The Bureau may also wish to consider the utilization of "Skatol," which is a chemical agent in powdered form and when applied to a particular surface emits an extremely noxious odor rendering the premises surrounding the point of application uninhabitable. Utilization of such a chemical of course would be dependent upon whether an entry could be achieved into the area which is utilized for the production of *The Black Panther*¹²⁶

Finally, the San Diego division also thought that threats from another radical organization against the newspaper might convince the BPP to cease publication:

Another possibility which the Bureau may wish to consider would be the composition and mailing of numerous letters to BPP Headquarters from various points throughout the country on stationery [sic] containing the national emblem of the Minutemen organization. These letters, in several different forms, would all have the common theme of

warning the Black Panthers to cease publication or drastic measures would be taken by the Minutemen organization.

Utilization of the Minutemen organization through direction of informants within that group would also be a very effective measure for the disruption of the publication of this newspaper.¹²⁷

The San Francisco field office submitted an analysis of the local *Black Panther* printing schedules and circulation. It discouraged disruption of nationwide distribution because the airline which had contracted with the Panthers might lose business or face a lawsuit and recommended instead

a vigorous inquiry by the Internal Revenue Service to have *The Black Panther* report their income from the sale of over 100,000 papers each week. Perhaps the Bureau through liaison at SOG [seat of government] could suggest such a course of action. It is noted that Internal Revenue Service at San Francisco is receiving copies of Black Panther Party funds and letterhead memoranda.

It is requested that the Bureau give consideration to discussion with Internal Revenue Service requesting financial records and income tax return for *The Black Panther*.¹²⁸

On another occasion, however, FBI agents contacted United Airlines officials and inquired about the rates being charged for transporting *The Black Panther* newspaper. A Bureau memorandum states that the BPP was being charged "the general rate" for printed material, but that in the future it would be forced to pay the "full legal rate allowable for newspaper shipment." The memorandum continued:

Officials advise this increase . . . means approximately a forty percent increase. Officials agree to determine consignor in San Francisco and from this determine consignees throughout the United States so that it can impose full legal tariff. They believe the airlines are due the differences in freight tariffs as noted above for the past six to eight months, and are considering discussions with their legal staff concerning suit for recovery of deficit. . . . [T]hey estimate that in New York alone will exceed ten thousand dollars.¹²⁹

In August 1970, the New York field office reported that it was considering plans

directed against (1) the production of the BPP newspaper; (2) the distribution of that newspaper and (3) the use of information contained in particular issues for topical counter-intelligence proposals.

The NYO [New York Office] realizes the financial benefits coming to the BPP through the sale of their newspaper.

Continued efforts will be made to derive logical and practical plans to thwart this crucial BPP operation.¹³⁰

D. Internal Revenue Service and Selective Enforcement of Tax Laws Against the Panthers

The first notice the Panthers had that the Internal Revenue Service (IRS) may be interested in their affairs was in 1969-1970, when the Committee on Internal Security of the House of Representatives held a series of hearings about the Party. At one of these hearings, a congressman inquired as to the tax status of the Party and what the IRS knew about its financial affairs, specifically whether the Party filed tax returns or paid taxes.¹³¹ The answer was that since the Panthers were a political party, just as the Democrats Republicans, they had no obligation to file returns or pay taxes. Party leaders and their counsel believed that because political party was nowhere defined in IRS regulations, the government had no basis for treating them differently from the major established political parties.¹³² The government, particularly IRS, indicated no explicit disagreement with this view.

In fact, however, IRS was already being responsive to the concerns of the administration and others about the Panthers. On July 18, 1968, the assistant commissioner of the IRS directed a memorandum to officers within the agency announcing that:

A Committee is being established to coordinate activities in all Compliance Divisions involving ideological, militant, subversive, radical, and similar type organizations; to collect basic intelligence data; and to insure that the requirements of the Internal Revenue Code concerning such organizations have been complied with. It is expected that the Committee will function indefinitely.¹³³

The first meeting of this committee, called the Activist Organizations Committee, and later ironically named the Special Services, or SS, group, emphasized its mission:

This is an extremely important and sensitive matter in which the highest levels of government are interested and in which at least three Congressional committees are currently conducting investigations. In addition, the Internal Security Division, Department of Justice, and the

Federal Bureau of Investigation have files on many of these organizations.¹³⁴

The secretive nature of the committee was also spelled out in this organizational meeting:

... [I]ts [i.e., the SS group's] activities should be disclosed generally only to those persons who need to know, because of its semi-secretive nature. Indeed, action is being taken to obtain top secret clearance for the full-time Committee's members. Our files will be protected with usual intelligence type security. We do not want the news media to be alerted to what we are attempting to do or how we are operating because the disclosure of such information might embarrass the Administration or adversely affect the Service operations in this area or those of other Federal agencies or Congressional Committees.¹³⁵

In essence then, the IRS formed a covert group within the agency for the purpose of selecting out organizations for special enforcement of the tax laws solely on the basis of their political beliefs. While the SS group focused its investigatory and enforcement efforts against a wide variety of organizations and individuals, it is clear that the Panthers and its leaders were singled out for special attention.

The Party was one of the original twenty-two organizations named by the SS group on March 25, 1969, for investigation to determine "the sources of their funds, the names of ... contributors, whether the contributions given . . . have been deducted as charitable contributions, [and] what we [i.e., IRS] can find out generally about the funds of these organizations."¹³⁶ An early briefing paper from the chairman of the SS group, who held a top secret security clearance, to another government official named only the Party and described it as a "highly structured" organization, with allegedly thousands of soldiers, about whom the SS "identified" approximately five hundred names holding "upper-structure positions" in the Party.¹³⁷ When the SS group met on July 29, 1969, they were "furnished several charts concerning the Black Panthers . . . and offered additional material" by a staff member of the Senate Committee on Government Operations.¹³⁸ Even when the SS was formally phased-out, and its substantive operations transferred to other divisions of IRS, the Party was singled out, to wit: "Background, status and briefing papers on BPP investigation discussed and materials left with Mr. Willsey."¹³⁹

The BPP first learned that it was an overt target of the IRS in 1974 when several administrative summonses were served on third parties seeking information about the Party, its leaders, and contributors. One summons was served on the Bank of America in Oakland, California, for all records, whether open or closed accounts, relating to "Huey P. Newton, the Black Panther Party, Free Huey or Defense Fund for Huey P. Newton, and the Huey P. Newton Campaign Account." Another was issued to W. W. Norton & Company, Inc., in New York, for all books and records relating to the transcribed conversation between Newton and Harvard professor Erik H. Erikson, which conversation was published as a book entitled *In Search of Common Ground*; a third was served on Playboy Enterprises, Inc., in Chicago, Illinois, demanding "all books and

records pertaining to Huey P. Newton interview conducted by Mr. Lee Lockwood ... [including] the transcript of the interview in its whole."¹⁴⁰

The tactic of serving third parties with summonses instead of the BPP directly made it more difficult for the Party to assert any right to privacy of the records. Indeed, there was no legal obligation on those served with summonses even to notify the Party; it learned of them either fortuitously or because those served communicated voluntarily with the Party. In any event, in 1974, the BPP promptly challenged this practice of IRS in federal district court.¹⁴¹ Though the lawsuit was ultimately dismissed without prejudice, only to be refiled in 1976 in Washington, D.C., as part of the Party's omnibus civil rights lawsuit against numerous federal agencies, it had the immediate effect of deterring IRS from serving additional summonses on third parties possessing information about the Party.¹⁴²

In addition to the serving of summonses on third parties, IRS also audited Party leaders and contributors. Newton, for example, received formal notice of a tax deficiency assessment by IRS in the Alameda County jail within one week of his return to the United States from Cuba in July 1977.¹⁴³ In fact, while Newton was temporarily incarcerated by Immigration authorities in Toronto, Canada, en route from exile in Cuba, IRS considered obtaining a Canadian address for pursuit of a civil assessment action.¹⁴⁴

Discovery in the Party's federal lawsuit shows that when police and the Alameda district attorney searched Newton's residence after he had voluntarily turned himself into the police in connection with assault charges in 1974, the district attorney telephoned IRS agents, who came to Newton's home and examined his personal papers and files in the hope of finding some evidence of a tax violation.¹⁴⁵ No less than four IRS agents spent six hours in Newton's apartment with microfilm equipment, rummaging through his personal files searching for evidence of *any* crime for which he might be charged. The agents were so intent on obtaining a conviction against Newton on any grounds that they were careful to rationalize their search in internal memoranda in the event there were subsequent legal challenges to the admissibility of whatever evidence they might use for prosecution:

It was my understanding that, if while executing a legal search, evidence of another crime is discovered, it would be permissible to seize it. (Note: Normally I would have copied such discovered evidence, but inasmuch as we were there and had been instructed by the police they did not want it copied, we were obliged not to).¹⁴⁶

Ultimately, after expending tens of thousands of taxpayers' dollars to investigate the Party, its leaders, and contributors, the agency concluded there was no evidence warranting criminal charges, and the proposed civil assessment against Newton for past tax years was settled in 1979.

E. CIA

When the CIA was formed in 1947, the statute creating it, the National Security Act, provided that the agency shall have no police, subpoena, law enforcement powers, or internal security functions."¹⁴⁷ The Huston Plan, as already noted, proposed ignoring this injunction. Though the Huston Plan was allegedly never formally adopted, it now appears that the CIA did place operatives in the street, kept extensive files on United States citizens, infiltrated political organizations, and pulled COINTELPRO types of stunts.¹⁴⁸ Most infamous, of course, is the CIA's admission that it provided "technical assistance" in 1971 to its former employee, E. Howard Hunt, when he led the White House "plumbers" in a burglary of the office of the psychiatrist who once treated Daniel Ellsberg, the man who disclosed the Pentagon papers.¹⁴⁹

In 1975, the Rockefeller Commission investigated abuses by the CIA and concluded that the agency exceeded its authority. The Senate Select Committee reported in 1976 that the CIA had a program of domestic spying, which primarily consisted of mail-covers—i.e., opening and copying the mail of targeted political persons—and intelligence gathering on dissidents. Neither official investigation discussed in any way what the *New York Times* disclosed in 1978: The CIA "recruited American Blacks in the late 1960's and early 1970's to spy on members of the Black Panther Party, both in the United States and in Africa."¹⁵⁰ Spying was not, however, solely for the purpose of gathering information about the Party:

One longtime CIA operative with direct knowledge of the spying said, however, that there was an additional goal in the case of the Black Panthers living abroad: to "neutralize" them; "to try and get them in trouble with local authorities wherever they could."¹⁵¹

The kinds of activities engaged in by the FBI to neutralize the Party, as has been shown, span the gamut of illegal dirty tricks, not stopping even at murder. Direct evidence of CIA dirty tricks used against the Panthers is, however, sparse. Neither the presidential commission nor the Senate committee revealed any information about tactics directed at the Panthers. Perhaps this was a cover-up in complicity with the committees, or maybe the CIA just acted as a law unto itself, unaccountable to Congress or the president in disclosing or explaining its actions. When the *New York Times* asked for an explanation of this hiatus in the government investigations, it was told by one former CIA official that the reason the committees didn't learn about these anti-Panther activities was because

They didn't ask. We treated the Senate inquiry as an adversary proceeding. Had they asked, we would have dug out the answers.¹⁵²

Undoubtedly, the CIA possessed much incriminating information to dig out. When the BPP filed its federal civil rights lawsuit against, *inter alia*, the CIA in 1976, agency officials submitted affidavits to the court suggesting the extent of its recorded activities with respect to the Party:

Apart from cases where it is not possible to perform a record search . . . progress has been made in identifying . . . several thousand documents relating . . . to the Black Panther Party.¹⁵³

Another CIA official testified that ". . . certain portions [of the Party's discovery request] can be addressed at the present time. This is being done. However, a significant proportion of documents recovered to date bear classification markings indicating that their contents include information which must be protected in the interests of national security." ¹⁵⁴

Perhaps because the CIA equates national security with protection of its own image, the documents sought will never be revealed.

"A [Rockefeller] Commission investigator acknowledged [that] the report [i.e., Rockefeller Commission report] did not [also] mention that between 150 and 200 CIA domestic files on Black dissidents had been destroyed before the Commission's inquiry."¹⁵⁵ Of those documents the CIA has admitted exist, only a couple of hundred pages, at most, have been produced in the past four years in response to the Party's formal litigation discovery efforts. Many of these pages are replete with extensive white-outs or black-outs—i.e., deletion of so-called classified material—and are, therefore, uninformative. Nonetheless, those few pages produced reveal that within the United States, the CIA infiltrated the Party with informants and attended meetings and public functions in order to identify Party members by taking their photographs and compiling information on them. Overseas activities of the CIA focused on Panthers in Africa and included one operative who became the owner of a small hotel where Party supporters and associates lodged. The hotel's annual deficit was even made up by the CIA.¹⁵⁶

The likelihood that the truth about CIA efforts to neutralize the Party will never be fully known is great. Aside from the admitted destruction by the CIA of files concerning the BPP and failure to respond to civil discovery efforts, one man who had first-hand knowledge of the operation noted, "If they i.e., CIA had gotten exposed, then it would have been the CIA versus the Black Panthers and all Black Americans—they've had a lot of Americans against them. The agency would have been exposed, open to attack."¹⁵⁷

1 "Dean Memorandum," Exhibit D to the original complaint filed in *Black Panther Party v. Donald C. Alexander*, Commissioner of the Internal Revenue Service, No. C-74-1247 (N.D. Cal. 1974).

2 "White House Enemies List," Exhibit F, *Black Panther Party v. Alexander*.

3 Indeed, at least one commentator has noted that the popularity of organizations like the Panthers, and probably also the

American Independent Party, was "a result of the vacuum of leadership among white liberals; it was a reflection of confusion, of aimlessness, of guilt without political purpose." Arthur Pearl, *Landslide: The How and Why of Nixon's Victory* (Secaucus, New Jersey: Citadel Press, 1973), p. 69.

- 4 National Security, Civil Liberties, and the Collection of Intelligence: A Report on the Huston Plan," reported in U.S. Congress, Senate, Book III, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, 94th Cong., 2d sess., 1976, pp. 923-986. (Hereinafter this report will simply be referred to as "Book III: Final Report.")
- 5 Book III: Final Report, pp. 936-960.
- 6 Book III: Final Report, p. 938.
- 7 Book III: Final Report, pp. 957-960.
- 8 Stanford J. Ungar, *FBI: An Uncensored Look Behind the Walls* (Boston: Little Brown, 1976), p. 123.
- 9 Ungar, *FBI*, p. 124.
- 10 Executive Order 9835, 12 Fed. Reg. 1935 (21 March 1947).
- 11 Ungar, *FBI*, p. 125.
- 12 Book III: Final Report, p. 5.
- 13 Ungar, *FBI*, p. 119.
- 14 *The New York Times*, 8 September 1968, cited in [Book III: Final Report, p. 188](#), and Ungar, *FBI*, p. 121.
- 15 *Barenblatt v. United States*, 360 U.S. 109,150 (1959) (Black, J., dissenting).
- 16 FBI airtel from SAC San Francisco to director FBI, February 4, 1974 (emphasis added).
- 17 Letter from Henry E. Peterson to Acting Director FBI, April 3, 1973.

- 18 Edward J. Epstein, *Agency of Fear: Opiates and Political Power in America* (New York: G.P. Putnam's Sons, 1977), p. 8.
- 19 Ibid.
- 20 Teletype from FBI San Francisco to director, February 16, 1974.
- 21 FBI "Informative Note," February 16, 1974, prepared for "J. L. B."
- 22 FBI Memorandum from Supervisor Gary L. Penrith to SAC San Francisco, April 13, 1973.
- 23 FBI memorandum from Special Agent Stephen Lee Kies to SAC San Francisco, October 11, 1973.
- 24 Epstein, *Agency of Fear*, p. 252.
- 25 Ibid., pp. 201-202, 207.
- 26 Ibid., pp. 213-215.
- 27 Ibid., p. 214.
- 28 Statement and presentation of OCCIB document by Sheldon Otis, attorney for Huey Newton, at August 15, 1977, hearing in *People v. Newton*, No. 64624A and No. 65919, Alameda Mun. Ct., Oakland, California.
- 29 COINTELPRO, a Bureau acronym for "counterintelligence program," was first formally launched in 1956 against the Communist Party, U.S.A. The Black Nationalist COINTELPRO began in 1967 and focused on the BPP. Book III: Final Report, pp. 15-20.
- 30 FBI memorandum from director, hqtrs, to all SACs, August 25, 1967.
- 31 FBI memorandum from director, hqtrs, to all SACs, March 4, 1968, pp. 3-4.
- 32 See note 14. A major reason for the FBI Director's hostility toward the BPP was its popularity among Blacks, particularly the young. "The most active and dangerous

Black extremist group in the United States is the Black Panther Party (BPP). Despite its relatively small number of hard-core members . . . the BPP is in the forefront of Black extremist activity today. Moreover, a recent poll indicates that approximately 25 per cent of the Black population has a great respect for the BPP including 43 per cent of Blacks under twenty-one years of age." J. Edgar Hoover, Special Report, Interagency Committee on Intelligence, quoted in affidavit of Sheldon Otis, attorney at law, filed in *People v. Newton*, Nos. 64624A and 65919, Alameda Mun. Ct., Oakland, California.

33 [Book III: Final Report, p. 188](#). Estimates of federal investigators vary, to wit: "During 1967-1971, FBI Headquarters approved 379 proposals for COINTELPRO actions against 'black nationalists.' These operations utilized dangerous and unsavory techniques which gave rise to the risk of death and often disregarded the personal rights and dignity of the victims." (Ibid., p. 88.)

34 Book III: Final Report, p. 260.

35 Ibid., p. 16.

36 Ibid., p. 7.

37 FBI memorandum from director, hqtrs. to SAC San Francisco, May 11, 1970.

38 Book III: Final Report, p. 9.

39 Ibid.

40 Memorandum from FBI hqtrs. to Cincinnati field office, February 18, 1971.

41 Interview with Donald Freed on August 25, 1979. Freed is an author living in Los Angeles who has written, inter alia,

Agony at New Haven: The Trial of Bobby Seale and Ericka Huggins and Executive Action (with Mark Lane and others).

He is a long-time supporter of the BPP who has, as a result, been personally targeted by the FBI for COINTELPRO actions. For instance, the FBI printed and distributed at an Oakland,

California, Conference for a United Front Against Fascism, sponsored by the BPP, leaflets accusing Freed of "being a possible informant." (FBI Airtel from SAC, San Francisco to Director, July 28, 1969.) The extensive research Freed did on the New Haven, Connecticut, prosecution of Seale and Huggins shows that the FBI was likely instrumental in promoting and assisting an informant who participated in the torture-murder of BPP member Alex Rackley.

- 42 FBI memorandum from San Diego field office to FBI hqtrs., February 11, 1969; FBI memorandum from FBI hqtrs. to San Diego field office, February 19, 1969.
- 43 FBI memorandum from hqtrs. to Los Angeles field office, August 8, 1970.
- 44 FBI memorandum from hqtrs. to New York field office, August 2, 1970.
- 45 Ibid.
- 46 Memorandum from FBI hqtrs. to Philadelphia field office, August 19, 1970.
- 47 Ibid.
- 48 FBI memorandum from Los Angeles field office to FBI hqtrs., August 10, 1970.
- 49 FBI memorandum from director to SAC Los Angeles, September 30, 1970. There was a somewhat subtle method to the bureau's madness. The original proposal noted that "by forwarding the letter to Hilliard . . . a measure of Hilliard's loyalty to Newton may be more properly assessed. If Hilliard ... in fact turn[s] this letter over to Newton, then it can be assumed that efforts to drive a wedge between Hilliard and Newton could prove futile. If, on the other hand, Hilliard chooses to keep the contents of the letter to himself and fails to warn Newton of the impending danger the letter reflects, then it . . . would be deemed appropriate to direct further counterintelligence efforts towards polarizing these two individuals.... If . . . Hilliard does make Newton aware of the letter . . . it may then further add to Newton's paranoia and fear for his life which would serve to demean his effectiveness, both as a leader of the BPP and as a public figure. (FBI

memorandum from Los Angeles field office to FBI hqtrs.,
August 10, 1970.)

50 FBI memorandum from New York field office to hqtrs.,
October 29, 1970.

51 Ibid.

52 Ibid .

53 FBI Memorandum from hqtrs. to San Francisco field office,
December 16, 1970.

54 FBI memorandum from San Francisco field office to hqtrs.,
February 25, 1971.

55 Interview with Charles R. Garry, February 21, 1978; Mr. Garry
is an attorney in San Francisco who has represented the
Party for many years against false criminal charges. The
quotation in the text is from a memorandum dictated by
Mr. Garry upon reviewing FBI files made available to him
pursuant to court order in *Dellinger v. Mitchell*, Civ. Action
No. 1768-69, Fed. Dist. Ct. (D.C. 1969).

56 Ibid.

57 Ibid. •

58 Declaration of Walter W. Niles, August 30, 1977, and filed in
People v. Newton, Nos. 64624A and 65919. Niles had
overall responsibility for management of the apartment
building in which Huey Newton resided. He testified that
"the rent for apartment 25B [the one next to Newton] ...
was being paid by the FBI. . . . A man named Roger M.
DuClot was the building engineer . . . he was being paid as
an informant by the FBI, and ... he assisted the FBI in
installing various electronic devices in the walls of
apartment 25B.... "

59 FBI memorandum from San Francisco field office to hqtrs.,
November 24, 1970.

60 Ibid.

61 In a February 1971 report on COINTELPRO activities, the San
Francisco division described the *Examiner* article as one of

its "counter-intelligence activities." FBI memorandum from San Francisco field office to hqtrs., February 25, 1971.

62 Ibid.

63 FBI memorandum from SAC San Francisco to director, FBI, January 4, 1971.

64 FBI memorandum from SAC New Orleans to director, February 11, 1971.

65 Ibid.

66 Interview with Charles R. Garry (see note 55).

67 FBI memorandum from Supervisor Gary L. Penrith to SAC San Francisco, December 5, 1973.

68 Declaration of Gwen Fountaine Newton, August 7, 1977, and filed in *People v. Newton*, Nos. 64624A and 65919.

69 [Don Roberto] Stinnette held an alleged art auction at his apartment to benefit prisoners shortly before Newton's was burglarized. He invited Newton to look at the art, most of which was supposedly done by prisoners. While Newton was there, Stinnette told him that he had been close" to Eldridge Cleaver when they were both at Folsom Prison. Since the split between the Party and Cleaver was fairly well known at that time, Newton was puzzled as to just why Stinnette would boast of this particular connection. In retrospect, Newton concluded that Stinnette was, either consciously or not, attempting to warn him of his real, non-friendly purpose in being Newton's neighbor.

70 *Oakland Tribune*, 22 February 1973, p. 1. The FBI memoranda concerning this incident and their connection with Stinnette are in themselves interesting examples of deceit and self-deception. In one memorandum, the bureau refers to the arrest report of the Oakland Police Department as indicating that "officers ... arrived at the apartment of Stinnette . . . at 5:30 a.m. to serve an out-standing bench warrant authorized for night service. After repeatedly ringing the doorbell and waiting . . . without receiving any response, officers inserted the pass-key into the lock and identified themselves as 'police officers.' At that point two shots were fired through the door at the officers from inside

the room, one at waist height and the other at chest height. Both rounds passed through the door, but failed to hit the officers. Officers then pushed the door open... Stinnette made himself visible and surrendered. . . . Officers examined the rifle and found that an expended cartridge was jammed in the chamber, disabling the rifle. When this fact was called to the attention of Stinnette, he said, 'Yeah, if it hadn't jammed I would have emptied it on you' . . . " (FBI memorandum from Special Agent Wilbert J. Weiskirch to SAC San Francisco, February 28, 1973.) Though this memorandum does not acknowledge an informant relationship between the bureau and Stinnette, a later memorandum admits that "there has been no indication that the BPP was aware of our occupancy of the apartment next door to Newton's. . . ." (FBI memorandum from J. G. Deegan to W. R. Wannall, August 26, 1974.)

71 Richard Baker, Introduction to *Insights and Poems* by Huey P. Newton and Ericka Huggins (San Francisco: City Lights, 1975), p. 8. The FBI was well aware of the intended effects of its COINTELPRO efforts to get Newton. One confidential memorandum noted that "Newton has recently exhibited paranoid-like reactions to anyone who questions his orders, policies, actions or otherwise displeases him. His . . . hysterical reaction . . . has very likely been aggravated by our present counter-intelligence activity.... It appears Newton may be on the brink of mental collapse and we must intensify our counter-intelligence." (FBI memorandum from director to SACS Boston, Los Angeles, New York, and San Francisco, January 28, 1971.)

72 FBI memorandum from hqtrs. to Legat, Paris, and San Francisco field offices, April 10, 1970.

73 FBI memorandum from hqtrs. to Los Angeles field office, November 3, 1970.

74 FBI memorandum from Los Angeles field office to hqtrs., December 3, 1970.

75 FBI memorandum from San Francisco field office to hqtrs., January 18, 1971.

76 FBI memorandum from hqtrs. to New York and San Francisco field offices, February 3, 1971.

77 Ibid.

78 FBI memorandum from San Francisco field office to hqtrs.,
January 18, 1971.

79 Ibid.

80 FBI memorandum from hqtrs. to Boston, Los Angeles, New
York, and San Francisco field offices, January 28, 1971.

81 FBI memorandum from hqtrs. to twenty-nine field offices,
February 2, 1971.

82 FBI memorandum from hqtrs. to San Francisco field office,
February 19, 1971.

83 FBI memorandum from hqtrs. to San Francisco field office,
February 24, 1971.

84 Newton, *Revolutionary Suicide*, pp. 301-303.

85 FBI memorandum from hqtrs. to San Francisco and Chicago
field offices, March 25, 1971.

86 Newton, "On the Defection of Eldridge Cleaver from the Black
Panther Party and the Defection of the Black Panther Party
from the Black Community," April 19, 1971 (reprinted in
Newton, *To Die for the People*, pp. 49-51).

87 FBI memorandum from hqtrs. to fourteen field offices,
November 25, 1968.

88 FBI memorandum from Chicago field office to hqtrs.,
December 16, 1968.

89 Ibid.

90 FBI memorandum from Chicago field office to hqtrs., January
13, 1969.

91 Ibid.

92 A generally fine treatment of Hampton's contributions to the
Chicago and national Black community is found in "A
Collective Dedication. Ten Years After the Murder of Fred

Hampton," *Keep Strong*, December 1979–January 1980, pp. 41–65.

93 Plaintiffs' Exhibit No. 69 and Transcript 8985 in *Hampton v. City of Chicago*, No. 70-C-1384, U.S. Dist. Ct. (N.D. Ill., 1977).

94 Ibid.

95 Plaintiffs' Exhibit Nos. 16 and 17 and Transcript 6558–9, 6566 in *Hampton v. Chicago*, No. 70-C-1384.

96 Transcript 29186-90, 28323 in *Hampton v. Chicago*, No. 70-C-1384.

97 Brief for Plaintiff-Appellants in *Hampton v. Chicago*, U.S. Ct. of Appeals (7th Cir. 1978), p. 12.

98 Brief for Plaintiff-Appellants in *Hampton v. Chicago*, U.S. Ct. of Appeals (7th Cir. 1978), pp. 10–11.

98 Plaintiffs' Exhibits Nos. 50, 51, 53, and 55; Transcript 6682–6705, 6212–6215 in *Hampton v. Chicago*, No. 70-C-1384.

100 Ibid.

101 Plaintiffs' Exhibit No. 21; Transcript 6910–50 in *Hampton v. Chicago*, No. 70-C-1384.

102 Plaintiffs' Exhibit No. 21; Transcript 22429–36, 22440 in *Hampton v. Chicago*, No. 70-C-1384.

103 FBI internal memorandum by Roy M. Mitchell, agent, FBI Chicago field office, November 21, 1969.

104 Plaintiffs' Exhibits Nos. 21 and 23; Transcript 6988–9, *Hampton v. Chicago*, No. 70-C-1384.

105 FBI internal memorandum by Roy M. Mitchell, agent, FBI Chicago field office, November 21, 1969.

106 Plaintiffs' Exhibit No. 25, *Hampton v. Chicago*, No. 70-C-1384.

107 Transcript 25398, 25400, and 25406–7, *Hampton v. Chicago*, No. 70-C-1384.

108 Plaintiffs' Exhibit No. 450, *Hampton v. Chicago*, No. 70–C–1384.

109 Ibid.

110 Commission of Inquiry into the Black Panthers' and the Police, *Search and Destroy* (New York: Metropolitan Applied Research Center, 1973).

111 FBI memorandum from SAC Chicago to director, December 8, 1969.

112 Ibid.

113 FBI memorandum from director to SAC Chicago, December 8, 1969.

114 [Book III: Final Report, pp. 190-192.](#)

115 FBI memorandum from Los Angeles field office to hqtrs., May 26, 1970.

116 An article about an "Othello" was published in *Penthouse* magazine in April 1980, written by Ernest Volkman. The information in that article is consistent with affidavits filed by Charles Garry and Fred Hiestand, members of the Bar of the State of California, and [by] Elaine Brown, former Chairperson of the BPP, in *Black Panther Party v. Levi*, No. 76–2205, U.S. Dist. Ct. (D.C.).

117 Ibid.

118 Perry gave two affidavits, one to attorney Fred J. Hiestand and the other to attorney Charles R. Garry. After approving both affidavits, Perry failed to show up at the agreed-upon time at the office of either attorney to execute his sworn statement. He telephoned both Hiestand and Garry to tell them that he was seeking to hide from the FBI [which was] after him. Accordingly, the affidavit Perry had agreed to sign for Charles R. Garry was filed in *Black Panther Party v. Levi*, No. 76-2205, as an attachment to the attorney's affidavit. It is from this document that the long textual quotation is taken. (Interview with Fred J. Hiestand, January 9, 1980.)

- 119 On April 11, 1977, an agent of the FBI called upon Elaine Brown, then chairperson of the BPP, at her residence, for the alleged "purpose of discussing the more than three-year-old escape from prison of the accused murderers of John Huggins and Alprentice "Bunchy" Carter. . . . The agent identified himself as Duke Dierich . . . and ask[ed] a series of questions about Brown's knowledge of the whereabouts of these convicted murderers." Affidavit of Elaine Brown, April 29, 1977, and filed in *BPP v. Levi*.
- 120 The Director of the FBI was quite explicit about the reasons for his opposition to the BPP breakfast programs. "The Breakfast for Children Program (BCP) has been instituted by the BPP in several cities to provide a stable breakfast for ghetto children. . . . The program has met with some success and has resulted in considerable favorable publicity for the BPP. . . . The resulting publicity tends to portray the BPP in a favorable light and clouds the violent nature of the group and its ultimate aim of insurrection. The BCP promotes at least tacit support for the BPP among naive individuals . . . and, what is more distressing, provides the BPP with a ready audience composed of highly impressionable youths. . . . Consequently, the BCP represents *the best and most influential activity going for the BPP and, as such, is potentially the greatest threat to efforts by authorities . . . to neutralize the BPP and destroy what it stands for.*" (FBI airtel from director to SACs in twenty-seven field offices, May 15, 1969. Emphasis added.)
- 121 FBI memorandum from San Diego field office to hqtrs., August 29, 1969.
- 122 FBI memoranda from San Diego field office to hqtrs., September 18, 1969, and October 6, 1969.
- 123 Newton, *Revolutionary Suicide*, p. 143.
- 124 FBI memorandum from hqtrs. to Chicago and seven other field offices, May 15, 1970.
- 125 FBI memorandum from San Diego field office to hqtrs., May 20, 1970.
- 126 Ibid, p. 2.

127 Ibid, p. 3.

128 FBI memorandum from San Francisco field office to hqtrs.,
May 22, 1970.

129 FBI memorandum from New York field office to hqtrs. and
San Francisco Field office, October 11, 1969.

130 FBI memorandum from New York field office to hqtrs.,
August 19, 1970.

131 For example, U.S. Congress. House. *Black Panther Party, Part
1. Hearings before the Committee on Internal Security*. 91st
Cong., 2d sess., March 4-10, 1970.

132 See, e.g., Complaint, par. 3, *Black Panther Party v. Alexander*,
No. C-74-1247.

133 Memorandum from IRS Assistant Commissioner D. W. Bacon
to chief counsel and other officers, re "Activist
Organizations Committee," July 18, 1969.

134 Memorandum for file by D. O. Virdin, IRS, re "Activist
Organizations Committee," July 24, 1969, p. 1.

135 Ibid. p.3

136 Memorandum from D. W. Bacon, assistant IRS Commissioner,
National Office, to all regional commissioners, requesting
information on "Activist Organizations," March 25, 1968.

137 Memorandum from Paul H. Wright (IRS) to Leon Green,
"Briefing Paper: Activist Organizations Committee,"
August 20, 1969.

138 Memorandum for file by D. O. Virdin, IRS, re "Activist
Organizations Project," July 29, 1969.

139 Unsigned memorandum of understanding of meeting attended
by IRS officials: Messrs. Willsey, Portney, Snyder, and
Wright, Washington D.C., August 15, 1973.

140 Exhibits Nos. L, M. and O to original Complaint, *Black
Panther Party v. Alexander*, No. C-74-1247.

141 Ibid.

142 Affidavit of Fred J. Hiestand, February 17, 1976, filed in federal district court in *Black Panther Party v. Alexander*, No. C-74-1247.

143 Papers on file with author and delivered to while in jail.

144 IRS Sensitive Case Report, No. 94740182H, by Tak Fukuchi, revenue agent, with note attached from Mary Ann Meagher "called Jack Lahart (Justice Dept. Attorney) . . . to see if he thinks we should attempt to find a Canadian address for Huey Newton in view of current news article that TP [i.e., taxpayer] is in Canada en route back to the U.S.... "

145 Handwritten notes (twenty-two pages) by IRS Agent Monty S. Day, August 17, 1974, 2:00 a.m. to 8:00 a.m..

146 Ibid., pp. 14-15.

147 50 U.S.C. Sec. 403.

148 Ungar, FBI, p. 479

149 Ibid.

150 Hersh, "CIA Reportedly Recruited Blacks for Surveillance of Panther Party," *New York Times*, 17 March 1978, p. A1.

151 Ibid., p. A16, col. 3-4. Cooperation between local police departments, the FBI and, presumably, the CIA, to disrupt the BPP was extensive, as evidenced, *inter alia*, by the official conspiracy to murder Fred Hampton. The Senate Select Committee found that the FBI encouraged local police to make "raids on the homes of BPP members, often with little or no apparent evidence of violations of State or Federal law . . ." and that "BPP members . . . [were] followed and arrested for violations of 'local Motor Vehicle Code laws.'" ([Book III: Final Report, pp. 220-221.](#)) Undoubtedly, one purpose of these raids, arrests, and prosecutions of BPP members was to force the Party to deplete its limited financial resources on bail and lawyers. As a former federal prosecutor observed, "Viewed from one perspective, the Panther 21 case (N.Y.) might be seen as a victory for the prosecution in spite of the acquittals. . . . Almost all of the money and energy of the Panthers in New

York was diverted to the defense of this one case. The stress which this case, together with other serious criminal cases, put on the Party across the country, exacerbated internal conflicts. . . . If the point of the Panther 21 trial was to help destroy the Party, then the prosecution must be judged a success. Judged by other, proper standards, though, the prosecution failed. It failed . . . as a symbol of justice—as a symbol of what the criminal justice system should be." (Peter L. Zimroth, *Perversions of Justice: The Prosecution and Acquittal of the Panthers* [New York: Viking Press, 1974], pp. 397-398.)

152 Hersh, *New York Times*, 17 March 1968, p. A16.

153 Affidavit of Robert A. Barteaux, chief, Information Processing Group, Information Services Staff, Directorate for Operations, CIA, July 5, 1977, filed in *Black Panther Party v. Levi*, No. 76-2205.

154 Affidavit of Sidney D. Stembridge, deputy director of the Office of Security of the CIA, July 5, 1977, filed in *Black Panther Party v. Levi*, No. 76-2205.

155 Hersh, *New York Times*, 17 March 1968, p. A16.

156 Ibid.

157 Ibid. Indeed, all three domestic security operations identified by Senate investigators appear to have focused on the Panthers. "Project MERRIMAC [1967 to 1973] involved the infiltration by CIA agents of . . . Black activist groups. . . . Project RESISTANCE [1967 to 1973] was a broad effort to obtain general background information" about radical groups across the country. In 1969, upon the recommendation of the official in charge of the CIA's CHAOS program, the FBI began submitting "names of domestic political radicals and Black militants" to the CIA for inclusion on its mail opening "Watch List." (Book III: Final Report, pp. 682, 573.

V. CONCLUSION

The foregoing actions undertaken by just three agencies of the federal government against the Black Panther Party illustrate not only the nature and extent of tactics the

government will employ to crush dissident groups, but the seriousness with which the Party was perceived as a potential threat to those in power. There is no dispute that the Party suffered from more hostile and severe government acts directed against it than any domestic political organization in the twentieth century, including the Communist Party. While the FBI rationalized that it took these neutralizing steps against the BPP in order to curb its violent propensities, the truth is that what the bureau felt most threatening were survival programs providing free breakfasts to school children and other constructive services.¹ No single feature of the Panthers made them so feared or disliked by the government; many organizations possessed either a revolutionary ideology, community service, or a willingness to engage in legal struggle to achieve their goals. It was the combination of all of these features, pitched to a group that had been historically and systematically excluded from full participation in democratic capitalist America, that made the Party different, and dangerously so.

Not surprisingly, many of the tactics worked, in the sense that the Party lost members, leaders, and supporters (financial and otherwise). Reports of the BPP's demise, though, have always been premature. Of equal importance is the claimed halt to these practices by the government once they had been publicly exposed. The COINTELPRO was officially terminated for security reasons in 1971, though the Bureau continues many of the same activities under different rubrics. Instead of recanting the obvious abuses it engaged in, the FBI, through Director Clarence Kelley, proclaimed that—"for the FBI to have done less under the circumstances would have been an abdication of its responsibilities to the American people."²

A more apologetic tone was struck by the IRS when, on August 9, 1973, Commissioner Donald Alexander announced that the Special Service (SS) group would be abolished. He stated that "political or social views, 'extremist' or otherwise, are irrelevant to taxation."³

Once again, however, the function of the SS group was merely transferred to the Intelligence Division of IRS.⁴

The CIA responded to revelations about its unlawful domestic counterintelligence operations by destroying documents, rationalizing its activities as necessary for national security, and, ultimately, asking for a new charter that would, under the extraordinary conditions supposedly existing in the 1960s, permit CIA intervention in limited situations.

The danger inherent to democracy in any official abuse of constitutional rights of a minority is, to be sure, always theoretically recognized:

Getting racketeers on a VA [Veterans Administration] application is like getting civil rights workers for speeding," says Howard Glickstein, who was in the Civil Rights Division of the Department of Justice [under Robert Kennedy]. This time it's the Mafioso, but next time it could be the Black Panthers or Goldwater supporters.⁵

The gap between theory and practice is, however, rarely closed; witness the history of American Indians, the Communist Party, and the Wobblies.⁶ What closed this gap, and temporarily saved the Party from political annihilation, was the publicly revealed expansion of some of these reprehensible tactics to traditionally accepted power groups and their leaders. This is, as an eminent constitutional scholar has noted, an almost inevitable result.

The controls and apparatus necessary for the restriction of associational expression—investigations, files, informers, constant surveillance—are incompatible with a free society. Restriction of associational expression is likely to become, in practice, an effort to suppress a whole social or political movement. History and experience warn us that such attempts are usually futile and merely tend to obscure the real grievances which society must, if it is to survive, face squarely and solve.⁷

The veracity of the above observation is proved by the case history of the war against the Panthers. The original White House Enemies List contained but a few names, and the SS group within IRS began by focusing on twenty-two organizations. Both were soon added to by the administration, and included liberals within the Republican Party as well as leaders of labor, business, academia, and, as the Watergate break-in revealed, even the Democratic National Headquarters. This transference of hostile and illegal government actions from organizations which pose fundamental challenge to the prevailing order to groups not ideologically at odds with democratic capitalism was certainly related to the period of the 1960's. The anti-war movement coalesced, or at least intersected and occasionally joined, with the civil rights, Black community, and student movements to worry those who saw their role as "maintaining the existing social order, and . . . combating those who threaten that order."⁸ Yet these circumstances are not so unique as to defy repetition or at least the perception of [the] same by "federal law enforcement officers [who] look upon themselves as guardians of the status quo."⁹ Should this happen, there is, as former Senator Sam Ervin acknowledged, "no real assurance that these programs would not be resumed."¹⁰ That the "existing social order" will be threatened again is certain; the real question is what will be the future results. Fear that these agencies would in fact be far more dangerous without some constraints than those groups and individuals they surveil has led to legislation and higher governmental discussion about the FBI, the CIA, and other intelligence agencies fostered by them.

Revelations of extensive governmental misconduct in the Watergate affair, and widespread charges of illegal FBI and CIA spying on Americans in violation of law, existing charters, and the Constitution caused the U.S. Senate to establish a special Select Committee to study Governmental Operations with Respect to Intelligence Activities in 1975. Prior to that time, White House administrations and the intelligence agencies had succeeded in stopping all attempts to create congressional intelligence committees to share oversight powers with the Appropriations and Armed Services Committee, which had only minimal supervision over the agencies.¹¹

The task of the Senate select committee (better known as the Church Committee after its chairman, Senator Frank Church of Idaho) was to determine "the extent, if any, to which

illegal, improper, or unethical activities were engaged in" by the intelligence agencies. The Select Committee was also authorized to investigate specific charges of illegal domestic surveillance by the CIA, domestic intelligence and counterintelligence operations carried out against Americans by the FBI, and the origins and implementation of the Huston Plan.¹²

When the Select Committee issued its Final Report on April 23, 1976, it had constructed a documented record of abuse that was far more extensive than that which was known or even imagined when the investigation began. "We have seen segments of our Government adopt tactics unworthy of a democracy and occasionally reminiscent of the tactics of totalitarian regimes."¹³ Specifically criticizing the FBI COINTELPRO operation, the Select Committee said,

... the chief investigative branch of the federal government [FBI], which was charged by law with investigating crimes and preventing criminal conduct, itself engaged in lawless tactics and responded to deep-seated social problems by fomenting violence and unrest.¹⁴

After concluding its work, the Senate Select Committee unanimously recommended that Congress develop and enact a comprehensive intelligence charter to curb and control intelligence activities and create a body of statutory law that would prevent future intelligence abuses:

The Committee is not satisfied with the position that mere exposure of what has occurred in the past will prevent its recurrence. Clear legal standards and effective oversight and controls are necessary to ensure that domestic intelligence activity does not itself undermine the democratic system it is intended to protect.¹⁵

In March 1976, the Senate created a permanent Select Committee on Intelligence. In February 1978, the committee introduced S.B. 2525, the National Intelligence Reorganization Act of 1978. In the House of Representatives, a counterpart bill, H.R. 11245, was introduced.

S.B. 2525/H.R. 11245 included many of the Church Committee recommendations, but also contained numerous proposals at odds with those recommendations. For example, the legislation authorized the CIA to investigate Americans overseas under a noncriminal code of "clandestine intelligence activity." It included powers to engage in certain COINTELPRO types of activities, including violations of law, and the use of counterespionage to prevent violence. Although the bill established judicial warrants for wiretapping and break-ins, it authorized judges to issue warrants for intelligence break-ins in instances of less than probable cause to believe a crime had been or was about to be committed.¹⁶

Following strong opposition from the intelligence agencies and their supporters in Congress, S.B. 2525/ H.R. 11245 died at the end of 1978 and was not reintroduced in

1979. Then, on January 23, 1980, President Carter in his State of the Union message called for removing unwarranted restraints on the CIA. Describing the effect and importance of Carter's remark, David Wise, coauthor of *The Invisible Government* and author of *The American Police State*, said:

... In that brief moment, one could easily visualize the agency rising from the ashes of intelligence reform. The CIA's timing is flawless. In the present hawkish atmosphere in Washington, intelligence reform has become almost a dirty word, an X-rated idea whose time has come—and probably gone.¹⁷

On February 8, 1980, S.B. 2284/H.R. 6588, the National Intelligence Act of 1980, was introduced in Congress as the successor to the 1978 National Intelligence Reorganization and Reform Act. The name change was fitting because reform has been eliminated from major parts of the legislation. The new bill:

1. authorized counterintelligence and counterterrorism investigations directed against Americans at home and abroad under noncriminal, broad standards;
2. permitted the use of informants and undercover agents in groups suspected of criminal activity;
3. authorized unspecified COINTELPRO techniques against any American suspected of participating in secret intelligence activity or who might threaten to engage in violent activity for political motive;
4. established court warrants for national security mail opening and physical searches in the United States directed at Americans, under guidelines of less than probable cause to believe a crime is involved and without requiring notice to the person(s) or group(s) who are subjects of the search;
5. failed to provide a mechanism for citizens whose civil liberties have been violated to seek redress.¹⁸

As did its predecessor, S.B. 2284/H.R. 6588 met opposition from the intelligence agencies, some members of Congress, and the Carter administration. Consequently, on April 18, 1980, the Senate Intelligence Committee moved to abandon charter reform for the CIA and immediately held legislative sessions on "an abbreviated new proposal." The committee said it would not hold hearings on the substitute for fear that any further debate would prevent the bill from being enacted this year.¹⁹ The following day, April 19, the committee agreed to drop its previous demand for prior congressional notice of all CIA covert operations.²⁰

The shortened S.B. 2284, which was described by some in the news media as a compromise, was approved by the Senate Intelligence Committee on May 8, 1980. The bill established a broad congressional right to monitor the nation's intelligence activities, focusing mainly on the oversight of the CIA. The revised S.B. 2284 provides the Senate and House Intelligence Committees with the sole authority to oversee the intelligence community, in effect repealing the Hughes-Ryan Amendment of 1974 that allowed eight congressional committees to hear reports on covert activities. The bill also creates a

complex reporting procedure that requires the president to keep the two committees "fully and currently" informed of a wide variety of activities. However, the legislation recognizes and encourages the declaration of an inherent presidential right to avoid such reporting in some situations.²¹

Senator Edward Kennedy has introduced legislation called the FBI Charter (S.B. 1612/H.R. 5030). There is considerable debate by civil liberties groups as to whether S.B. 1612 will prevent future COINTELPRO types of actions by the FBI or whether it would, in fact, authorize the bureau legally to carry out activities that were formerly illegal. The bill:

1. authorizes FBI investigations of terrorism, defined as acts of violence;
2. outlaws investigations of individuals and organizations solely because of their political or religious views;
3. permits wiretapping, mail opening, and the use of undercover agents under certain circumstances;
4. permits the use of journalists, clergymen, and others as informants who, although they cannot initiate crimes, can participate in crimes to protect their covers;
5. provides new FBI exemptions from the Freedom of Information Act, including a statutory ban on the release of the names of FBI informants;
6. permits increased access to credit and insurance records of citizens, without securing subpoenas;
7. fails to provide a mechanism for citizens whose civil liberties have been violated to seek redress.²²

Due to the current 1980 presidential election campaign, no action has yet been taken on S.B. 1612/H.R. 5030. Lobbying efforts, however, continue (see, e.g., Appendix D).

With the CIA unleashed and the possibility that the Kennedy bill, if enacted, will do the same for the FBI, it would seem that the actions described in this study by government agencies to destroy the Black Panther Party and other dissident groups may, in the future, become entrenched in the U.S. government. Tom Wicker has noted that the new CIA charter will more than ever make the agency into an "invisible government."²³ Former CIA agent Philip Agree, who is now literally a man without a country because of his public revelations of illegal CIA activities, has uncovered the core of the problem surrounding CIA abuses, actions that can be equally applied to the FBI and other intelligence agencies:

... the main concern is not really with the CIA, but with the people who run the U.S.—the CIA acts as their instrument—these are the people who run the multinational corporations, who own the banks, who control the traditional political process, the professionals who service all of them and the military-industrial interlock. This relatively small group of people have a need for the CIA and what it's been doing over the years. And until changes occur in the U.S. in terms of political power and economic

control, there will be a need for the CIA from the point of view of this small minority.²⁴

The philosopher George Santayana warned, "Those who cannot remember the past are condemned to repeat it." If illegal government abuses as have occurred in the past against the Black Panther Party and other dissident groups are legalized in the future, as now seems likely, the western world will not be "safe for democracy."

1 See pp. [84-88].

2 Testimony of Clarence M. Kelley, director, FBI (U.S. Congress. House. Committee on the Judiciary. Hearings before a Subcommittee on Civil Rights and Constitutional Rights [November 20, 1974] 93rd Cong., 2d sess., 1974, pp. 44-45.) Kelley also stated his "feeling that the FBI's counterintelligence programs had an impact on the crises of the time and, therefore, that they helped to bring about a favorable change in this country." Testimony of Clarence M. Kelley, director, FBI, December 10, 1975 (U.S. Congress, Senate. Select Committee to Study Governmental Operations with Respect to Intelligence Activities. Hearings, 94th Cong., 1st sess., 1975. Vol. 6. FBI), pp. 283-284.

3 IRS News Release (IR-1323), August 9, 1973.

4 See p. [89].

5 Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), p. 58. The reference to "getting racketeers on a VA application" is about "the notorious Louis Gallo and his father," who "were indicted for submitting false income statement on a VA loan application for a home mortgage." (Ibid., p. 57.) This book details the history of the Department of Justice under Robert Kennedy, documenting the vigor with which alleged organized crime figures were prosecuted and the comparatively lackluster enforcement of civil rights laws under the same administration.

6 See, e.g., generally Sidney Thomas Lens, *Radicalism in America* (New York: Thomas Y. Crowell Co., 1969).

7 Thomas I. Emerson, *The System of Freedom of Expression* (New York: Random House, 1970), pp. 432-433.

- 8 U.S. Congress. Senate. Select Committee to Study Governmental Operations with Respect to Intelligence Activities. Final Report: Book III. (Washington: U.S. Govt. Print. Off, 1976) (94th Cong., 2d sess., Senate Rept. No. 94-755), p. 7. [[pp. 185-223](#)]
- 9 Ibid.
- 10 U.S. Congress. Senate. Committee on the Judiciary, Subcommittee on Constitutional Rights, Political Intelligence in the Internal Revenue Service: The Special Service Staff A Documentary Analysis (Washington: U.S. Govt. Print. Off, 1974) (93rd Cong., 2d session.), p. 51.
- 11 Center for National Security Studies. "The National Intelligence Act and the Rights of Americans." *First Principles: National Security and Civil Liberties* 5 (March/April 1980): 1.
- 12 Ibid.
- 13 Ibid., p. 2.
- 14 Book III: Final Report, p. 75
- 15 Ibid. p. 5.
- 16 "The National Intelligence Act," *First Principles*, p. 217 Wise, "Free Again," *Los Angeles Times*, March 9, 1980.
- 18 "The National Intelligence Act," *First Principles*, p.3
- 19 *Washington Post*, April 18, 1980.
- 20 Ibid., April 19, 1980.
- 21 Charles Mohr, "Panel Backs Review Over Intelligence," *New York Times*, May 9, 1980.
- 22 Campaign for Political Rights, *Organizing Notes*, 3 (June 1979): 1.
- 23 Tom Wicker, "The C.I.A. Triumphant," *New York Times*, May 6, 1980, p. A27.

24 "Interview with Ex-CIA Agent Philip Agee," Guardian, April 30, 1980, p. 9.

APPENDICES

APPENDIX A

THE TEN-POINT PROGRAM

(October 1966)

1. We Want Freedom. We Want Power To Determine The Destiny Of Our Black Community.

We believe that Black people will not be free until we are able to determine our own destiny.

2. We Want Full Employment Of Our People.

We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the White American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people, and give a high standard of living.

3. We Want An End To The Robbery By The Capitalists Of Our Black Community.

We believe that this racist government has robbed us, and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules [were] promised 100 years ago as restitution for slave labor and mass murder of Black people. We will accept the payment in currency, which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million Black people; therefore, we feel that this is a modest demand that we make.

4. We Want Decent Housing Fit For Shelter Of Human Beings.

We believe that if the White landlords will not give decent housing to our Black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.

5. We Want Education For Our People That Exposes The True Nature Of This Decadent American Society.

**We Want Education That Teaches Us Our True History
And Our Role In The Present-day Society.**

We believe in an educational system that will give our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else.

6. We Want All Black Men To Be Exempt From Military Service.

We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like Black people, are being victimized by the White racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

**7. We Want An Immediate End To
Police Brutality And Murder Of Black People.**

We believe we can end police brutality in our Black community by organizing Black self-defense groups that are dedicated to defending our Black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We, therefore, believe that all Black people should arm themselves for self-defense.

**8. We Want Freedom For All Black Men
Held In Federal, State, County, And City Prisons And Jails.**

We believe that all Black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

**9. We Want All Black People When Brought To Trial To Be Tried In
Court By A Jury Of Their Peer Group Or People From Their Black
Communities, As Defined By The Constitution Of The United States.**

We believe that the courts should follow the United States Constitution so that Black people will receive fair trials. The Fourteenth Amendment of the United States Constitution gives a man the right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical, and racial background. To do this the court will be forced to select a jury from the Black community from which the Black defendant came. We have been, and are being, tried by all-White juries that have no understanding of the "average reasoning man" of the Black community.

**10. We Want Land, Bread, Housing, Education,
Clothing, Justice, And Peace.**

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect of the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

APPENDIX B

THE BLACK PANTHER PARTY PROGRAM

(March 29, 1972 Platform)

1. We Want Freedom. We Want Power To Determine The Destiny Of Our Black And Oppressed Communities.

We believe that Black and oppressed people will not be free until we are able to determine our destinies in our own communities ourselves, by fully controlling all the institutions which exist in our communities.

2. We Want Full Employment For Our People.

We believe that the federal government is responsible and obligated to give every person employment or a guaranteed income. We believe that if the American businessmen will not give full employment, then the technology and means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. We Want An End To The Robbery By The Capitalists Of Our Black And Oppressed Communities.

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules were promised 100 years ago as restitution for slave labor and mass murder of Black people. We will accept the payment in currency which will be distributed to our many communities. The American racist has taken part in the slaughter of our fifty million Black people. Therefore, we feel this is a modest demand that we make.

4. We Want Decent Housing, Fit For The Shelter Of Human Beings.

We believe that if the landlords will not give decent housing to our Black and oppressed communities, then housing and the land should be made into cooperatives that the people in our communities, with government aid, can build and make decent housing for the people.

5. We Want Decent Education For Our People That Exposes True Nature Of This Decadent American Society. We Want Education That Teaches Us Our True History And Our Role In The Present-day Society.

We believe in an educational system that will give to our people a knowledge of the self. If you do not have knowledge of yourself and your position in the society and in the world, then you will have little chance to know anything else.

6. We Want Completely Free Health Care For All Black And Oppressed People.

We believe that the government must provide, free of charge, for the people, health facilities which will not only treat our illnesses, most of which have come about as a result of our oppression, but which will also develop preventive medical programs to guarantee our future survival. We believe that mass health education and research programs must be developed to give all Black and oppressed people access to advanced scientific and medical information, we may provide ourselves with proper medical attention and care.

7. We Want An Immediate End To Police Brutality And Murder Of Black People, Other People Of Color, All Oppressed People Inside The United States.

We believe that the racist and fascist government of the United States uses its domestic enforcement agencies to carry out its program of oppression against Black people, other people of color and poor people inside the United States. We believe it is our right, therefore, to defend ourselves against such armed forces and that all Black and oppressed people should be armed for selfdefense of our homes and communities against these fascist police forces.

8. We Want An Immediate End To All Wars Of Aggression.

We believe that the various conflicts which exist around the world stem directly from the aggressive desire of the United States ruling circle and government to force its domination upon the oppressed people of the world. We believe that if the United States government or its lackeys do not cease these aggressive wars, it is the right of the people to defend themselves by any means necessary against their aggressors.

**9. We Want Freedom For All Black And Oppressed People Now Held
In U.S Federal, State, County, City And Military Prisons And Jails.
We Want Trials By A Jury Of Peers For All Persons Charged With
So-called Crimes Under The Laws Of This Country.**

We believe that the many Black and poor oppressed people now held in United States prisons and jails have not received fair and impartial trials under a racist and fascist judicial system and should be free from incarceration. We believe in the ultimate elimination of all wretched, inhuman penal institutions because the masses of men and women imprisoned inside the United States or by the United States military are the victims of oppressive conditions, which are the real cause of their imprisonment. We believe that when persons are brought to trial they must be guaranteed, by the United States, juries of their peers, attorneys of their choice, and freedom from imprisonment while awaiting trial.

**10. We Want Land, Bread, Housing, Education, Clothing, Justice, Peace,
and People's Community Control Of Modern Technology.**

When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are most disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpation, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, their right, it is their duty, to throw off such government, and to provide new guards for their future security.

APPENDIX C ON INTERCOMMUNALISM

...we say that this technology can solve most of the material contradictions people face, that the material conditions exist that would allow the people of the world to develop a culture that is essentially human and would nurture those things that would allow the people to resolve contradictions in a way that would not cause the mutual slaughter of all of us. The development of such a culture would be revolutionary intercommunalism.

Some communities have begun doing this. They have liberated their territories and have established provisional governments. We recognize them, and say that these governments represent the people of China, North Korea, the people in the liberated zones of South Vietnam, and the people in North Vietnam.

We believe their examples should be followed that the order of the day would not be reactionary intercommunalism (empire) but revolutionary intercommunalism. The people of the world, that is, must seize power from the small ruling circle and expropriate the expropriators, pull them down from their pinnacle and make them equals, and distribute the fruits of our labor that have been denied us in some equitable way. We know that the machinery to accomplish these tasks exists and we want access to it.¹

¹ Erik H. Erickson and Huey P. Newton, *In Search of Common Ground* (New York: W. W. Norton & Co., 1973), p. 31.

APPENDIX D Intelligence Lobbying Efforts

Albuquerque, New Mexico
December 4, 1979
The Honorable Senator Frank Church
Room 204, Senate Office Building
United States Senate

Washington, D.C. 20510

Dear Senator Church:

As your records will disclose, I testified before your Committee, and in addition was interrogated by members of the Committee staff. All of this allegedly related to my past assignments, which deeply involved me in the operations of the FBI and CIA. I naturally

have followed developments since the "exposes" of your Committee and I am making some observations which probably have come to your attention, and I am confident that they are shared by thousands of Americans who have participated in discharging responsibilities relating to the security of the U.S., but I doubt that you would have received the observations from anyone whose experience closely conformed to mine. I do not speak as an expert but as one whose day to day experiences gave me the opportunity to observe much not available to the average officer.

One could have hoped that your examinations would have led to constructive improvement in the capabilities of U.S. intelligence and internal security agencies to cope with the threats in a nuclear age. I strongly emphasize "nuclear age" because that's what it is all about and I really didn't see this as a major point of reference in your investigations. Apparently quality and/or need of intelligence was not a priority. As you know your Committee, with the additional outlet of the Freedom of Information Act, exposed and exposed leading to the dissemination of volumes of sensitive intelligence; literally tearing apart the operational effectiveness of agencies such as FBI and CIA; severely damaging morale; destroying the absolute need of cooperation from friendly governments; and above all providing the Soviet intelligence services with the gifts of the Century.

As I examine the foregoing I could qualify my observations by stating they are too harsh because there have been other factors. I recognize that there have been defects in our intelligence system just because of the glaring deficiencies in the existing law. I also realize that we have failed in areas simply because we are not producing high quality intelligence. However, at no time did I see evidence of your Committee's motivation to get answers to "Why aren't we producing better intelligence, particularly in the human intelligence field?" If my observations are harshly presented they largely stem from the development of international events. I cite the deplorable situation in Iran. I refer to the "Russian brigade" in Cuba. Admiral Turner, Director, CIA, is quoted as stating "in 1963 we estimated the ground combat forces which the Soviets had introduced into Cuba had all been withdrawn. It was not until 1978 that we began to have strong suspicions that this was no longer the case." I look at a 32 year history of CIA development and I view the statement of Admiral Turner as being almost unbelievable. My point is that your Committee should have spent more time looking at operational deficiencies of the intelligence agencies with a thrust of bringing improvements leading to production of intelligence quality which could be of immeasurable value in formulating policy and decisions in an obviously turbulent world.

If one is shaken by the statement of Admiral Turner and if we look at Cuba and Iran, we would be most naive if we didn't look ahead to areas where in the not too distant future we may be faced with additional agonizing decisions. I only mention the entire Middle East, Indonesia, Philippines [sic], Central America, South America, and possibly outbreaks of revolutionary type of activity in Eastern Europe. By now we must acknowledge that wherever there is a political eruption we can't separate the security of this country from such an event, and contrary to the views of many, we can't neglect internal threats from individuals or groups who may directly or indirectly have ties with organizations in foreign countries, and I refer to those who are dedicated to the political,

social and economic destruction of the U.S. Let us not forget the proliferating expansion of terrorism coupled with kidnappings and hostage black-mail. Let us not overlook the area of those individuals who, although having noble intentions, become unwitting but effective tools of those whose goal is to undermine if not destroy the strength of this country. So there is no misunderstanding, I am not implying that the "unwitting" be punished in some way. Damage from this direction can be greatly minimized by guidance and direction from leaders such as you.

I believe you will agree that our position in the world today is such that, like never before, we need capabilities of the highest quality to collect and analyze intelligence; to use the products to maximum efficiency; and to protect our assets with the best counterintelligence. So we do not forget, we are talking about survival and with survival the protection of freedoms which we have taken for granted. This, of course, demands a price to be paid for preserving freedom. Will the price include the maintenance of an intelligence and internal security structure compatible with the preservation of our freedoms and operationally adequate to assure survival in the nuclear world? This is, and always will be, a continuing challenge but it is a goal which can be achieved. Striving for such achievement falls heavily on shoulders such as yours.

You possibly may get the impression that I am one of those advocating a massive police state type of operation. Of course this is ridiculous, but if we do not awaken and do the necessary repairs, as a nation we could degenerate and permit an overwhelming penetration, if not domination, by reactionaries who seek a dictatorial government.

Starting with your Committee and since, there has been a prevailing approach to the alleged "sins" of the intelligence community by evaluating on a foundation or precepts of high morality. Accepting that this was honestly motivated, it is commendable. However, just the events of this year clearly establish that such an approach places us virtually in a dream world. Needless to say the Soviets, Khomeni, and certainly others do not apply the same ground rules. Do you not agree that to survive in this nuclear world our policy and decision-making should be executed in the context of strategy? If this is accepted, I believe you will agree that we will be lost in developing and executing strategic actions without a continuing output of knowledge of a quality which greatly reduces the areas of the unknowns and radically minimizes the guessing in our estimates.

When you examine the findings of your Committee, you and your associates may have fallen into a course so often followed by inspection directed individuals or groups. There can be a tendency [sic] to become parasitic, i.e. feeding on the mistakes or errors of judgement of people to the point of literally "feasting" and doing so at the expense of destroying existing valuable assets. Do you not feel that it is time to terminate the "feasting?"

It is possible that when your Committee examined the operations of the FBI and CIA you encountered individuals such as myself who were heavily influenced by past history starting with Pearl Harbor. I do not know if anybody on your Committee staff who spent anytime reviewing the history of Soviet penetration of U.S. government and the U.S.

society from the Twenties through the Thirties and Forties. Those were not fly-by-night Soviet operations. The penetrations were most extensive. We probably will never know the true extent of the damage because it was not until WWII and particularly after the War that we developed an assessment of the Soviet activity, and there still is a question, if we really identified all or most of the penetration. It is unfortunate that much of this has never been revealed to the public because of restrictions applied to sensitive data. The foregoing is being emphasized because the deterioration of our capabilities, the restrictions imposed on agencies such as the FBI and CIA, and the wide exposure to sensitive data from proliferating growth of Congressional oversight, all provide a bonanza type of atmosphere for Soviet infiltration.

It is true that the years gave the U.S. Intelligence a high respect for Soviet recruitment of agents in foreign countries; for penetration of government agencies; for very skillful application of what we commonly refer to as "covert action"; and most importantly for the highest capability in the history of civilization in the utilization of deception.

My message above might suggest that I, and others, may have exaggerated assessment of Soviet capabilities. This could be true if the U.S. today possessed a reliable assessment which, in any way, described a deterioration of Soviet intelligence; which depicted a severe breakdown in its capabilities; which reflected a significant change leading to a drastic minimization of direction against U.S. targets; which to any degree was abandoning clandestinity as an atmosphere for maintaining relations with foreign governments. I strongly doubt that in 1979 we have acceptable evidence to provide accurate evaluation of organization, identification of agents, planning, intentions, and decision-making. I doubt very much that we have the needed agent penetrations in Moscow. I doubt that our sophisticated technical coverage, admittedly productive and necessary, is producing the answers. We certainly do not have the benefit of public "exposes" or the revelations that might be surfaced in a free society. The point is, "What do we really know when one thinks of plans and intentions?" How can we know when it took us until 1978 "when we began to have strong suspicions" regarding Soviet combat forces in Cuba, 90 miles from our shores.

If there is a theme of harshness in my communication maybe it is needed, just as you undoubtedly felt when you initiated your investigations. Only now it would appear that there is a critical need for rebuilding. If the legislation currently being introduced to establish a charter is the answer, you can look forward to continuing intelligence disasters and to unmanageable internal security crises. I wish you would accept this as an appeal to seriously examine the state of our intelligence system, not concentrating on "why certain operations were initiated" but rather "why don't we have a far greater capability to produce needed knowledge?" Are you satisfied that the CIA, FBI, and other agencies can adequately provide the necessary security to this country operating under current restrictions and guide lines? Do you believe that we can cope with our adversaries in today's world without the knowledge which can only be acquired by a sophisticated intelligence system? I ask if you will give consideration to assessing the issue described above. If you are satisfied with our present state of capabilities, would you say so publicly? If not, would you take a public stand directed toward significant improvement?

You, sir, because of your important position and responsibilities delegated to you, can provide a valuable service to our country in these very critical times.

Sincerely,
Sam J. Papich
SJP/mw
SECURITY and INTELLIGENCE FUND
Suite 500,
499 South Capitol St., S.W.
Washington, D.C. 20003
April 28, 1980

Dear:

None of the straw-grasping that passes for decision-making in the government of the hour is more revealing of the collapse of reasoned purpose in the pursuit of national strategic interests than the Administration's stubborn efforts to ram down the throat of a troubled Congress a bad charter allegedly intended to "reform" the national intelligence services.

If the defeats and humiliations to which American defense and foreign policies have been subjected in Iran and Afghanistan, not to mention the contemptuous plucking of the American eagle's tail feathers now in shameful progress throughout the Caribbean and Central America, should have taught us anything, it is that no first-class nation can rightly expect to operate reliable foreign intelligence in a fish bowl.

Yet in the face of these calamitous lessons President Carter and the strange company of leftwingers, neo-isolationists and pacifists whom he stationed at the gateways into the national security formulation processes remain unconvinced. They are determined to hold the already gravely crippled intelligence functions, foreign and domestic, under too many of the damaging constraints imposed on the intelligence community in part by the President's own misguided directive of January 19, 1978, and further in part by the reckless exposure of intelligence operations under the Freedom of Information Act and the uncontrollable surveillance of the Congress.

The straightforward purpose of this letter is to ask for your continued support in helping us turn the Congress back from this folly.

Accurate and timely foreign intelligence and sleepless counter-intelligence in defense of the intelligence services themselves are crucial to the successful management of foreign and military policies against the outer threats. Vigilant and resolute internal security is the only sure protection against espionage, subversion, sabotage and terrorism inside our frontiers.

Yet at an hour of clear and present danger all three functions have been gravely weakened and, in certain respects, all but decimated.

Lately, there has been talk of ambitious schemes for assembling Fast Deployment Military forces that would enable the President to project effective power into far places in defense of imperiled American interests. But preparing such forces is going to take time and their usefulness in a test at the far margins of power will depend acutely on whether the intelligence will be good enough for them to be moved to the right places, in the right numbers, at the right time. Yet a full understanding of this elementary requirement seems not to have penetrated the inner councils of the Presidency. The Ship of State gropes aimlessly in a fog of contradictions, but the men on the bridge are bent on blinding their own radar, stuffing the ears of their sonar gear and calling the look-outs down from their lofty posts.

Let it be noted in fairness, as our Fund has already done in its Winter Quarterly Situation Report, that the President and some of his more politically sensitive lieutenants have sensed the rising concern in the Congress over the magnitude of the Soviet threat. By way of compromise, they have loosened somewhat the more extreme controls which they intended to fasten on the Central Intelligence Agency and the Federal Bureau of Investigation when they first set out to write new charters for both agencies two years ago.

But they are still driving hard toward their principal objectives. The new charters if enacted in their present forms, will in fact put into law most of the stifling constraints sought by the American Civil Liberties Union (ACLU) and be the improvident, hand wringing catalogue of the faults and failures of the intelligence service brought out in 1976 by the Senate Committee of Inquiry under the chairmanship of Senator Church of Idaho.

No doubt some reform was called for. The CIA was not yet three decades old—hardly out of the apprenticeship stage as long established foreign intelligence services measure their experience—when Senator Church marked it as a prime target. In hindsight, the scattered misdeeds and misjudgments which he uncovered, though embarrassing enough, are seen to have hardly merited the sensationalism with which the press and opportunistic politicians exploited the products of Senator Frank Church's Snake River Valley evangelism.

But there's no underestimating the damage that was done and the losses. You can number the failures in Afghanistan and Iran among the casualties [sic].

The pending prosecutions of the former senior executives in the FBI still cast a somber shadow over the FBI's reputation. But, as we advised our members in the Winter Situation Report, there has been some slight lightening on the otherwise dark horizon. Thanks to your past help, echoed by the courage and foresight of a number of influential Senators who were determined to begin to repair the harm done to the CIA and the FBI, a bill cosponsored by Senator Moynihan (D-New York), Senator Malcolm Wallop (R-Wyoming) and five others is now under active consideration by the upper house.

This is a badly needed first step in unshackling the CIA. If enacted, it will basically:

—Exempt the CIA from the Freedom of Information Act.

—Make it a crime to reveal the identity of Intelligence Agents, and

—Repeal the Hughs-Ryan Amendment—a 1974 Law which requires that all CIA covert operations be reported to eight Congressional Committees.

This is a good bill. It is an essential step in restoring sanity and realism to the nation's intelligence functions. Its fate is of vital importance to you as a citizen. Help us get it passed by writing to your Senators, insisting that they vote for it rather than the restrictive charter which the men around the President want.

Sound Counsel from an Experienced Source.

There is another matter that we urge upon you.

One of the most knowledgeable [sic] intelligence officers in the service of the FBI since the onset of the Cold War is Mr. Sam Papich, who retired ten years ago. He is a founding member of our Fund. The other day, he sent to us a copy of a letter that he had mailed to Senator Church. The letter was sent in December. Mr. Papich waited a respectful interval for a reply. None came. The letter went unacknowledged. Mr. Papich decided the topic was too important to be allowed to lie fallow. He felt it was one that our membership should be made aware of. We are honored to pass it on to you to let you decide for yourself why Senator Church, who could act the tiger when the television cameras had him in their sights as an aspiring Presidential candidate, found Sam Papich's letter too hot to handle.

Sam Papich served the FBI for 30 years. He was an advisor to the Joint Chiefs of Staff and to the President's Foreign Intelligence Advisory Board. While in the FBI he spent 18 years as its senior liaison officer with the CIA.

Few Americans can match Sam Papich in the breadth of his experience in both foreign intelligence and internal security, yet if the wisdom that he passed on to the Senator from Idaho, whose expertise in these matters is that of scourge and gadfly, was not accorded even an acknowledgment that his letter had been received.

Good people in the CIA and the FBI, however resolute, cannot by reason of their vulnerability in career hierarchies, hope to stand off their political overlords for long.

But Sam Papich is telling us that there is a way to preserve the integrity and quality of the professional intelligence services.

It is to rally on the side of the professionals the support of the enlightened members of Congress, the press and organizations like our own. People of influence who are united in

their determination to restore order, purpose, objectivity, and devotion to the intelligence functions in their service to the Nation.

We look to you to stand with us in mobilizing support in the Senate for the passage of the Moynihan-Wallop bill. The pressing need is to clear the way for a return to the CIA of its now all but lost capabilities for effective political action with friendly nations.

Toward this end, we are bringing forward expert witnesses who will help articulate the logic of that bill before the appropriate Members of Congress.

We have another collateral objective. It is to persuade the Congress to reestablish the Senate Internal Subcommittee which was capriciously scattered into oblivion by Senator Kennedy of Massachusetts. It was the only instrumentality in the government empowered to conduct serious investigations into the penetration of our society by the Soviet bloc spies, and to expose in open hearings the techniques of subversion, deception, and disinformation being practiced in our midst by the swarms of KGB agents and their Bloc confederates who come and go at will.

We can't do this job alone. The Intelligence Services are themselves all but muted. We need your support—in your communities, in the press of your communities, and with the Members of Congress who represent you.

So please help us move toward the achievement of our objectives by renewing your membership in our Fund for 1980 if you have not already done so.

Sincerely,

James Angleton, Chairman
Elbridge Durbrow
Former Chief President
Counterintelligence, CIA U.S.
Ambassador (Ret.)
Robert C. Richardson, III
Secretary-Treasurer
Brigadier General, USAF (Ret.)

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